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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19-CR-00576(BMC)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	February 1, 2023
GENARO GARCIA LUNA,	:	9:30 a.m.
	:	
Defendant.	:	

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TRANSCRIPT OF CRIMINAL CAUSE ON TRIAL  
BEFORE THE HONORABLE BRIAN M. COGAN  
UNITED STATES SENIOR DISTRICT JUDGE, and a jury

A P P E A R A N C E S:

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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

Proceedings

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1 (In open court; jury not present.)

2 (Defendant present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Okay. Let's have the witness back on  
5 the stand, please.

6 MS. KOMATIREDDY: Your Honor, I need to one thing on  
7 the record, sir.

8 THE COURT: Before we put the witness on the stand.  
9 Go ahead, yes.

10 MS. KOMATIREDDY: Yesterday, after court, I know I  
11 had asked the Court for permission to have the agents talk to  
12 the witness about logistics.

13 We learned that there was a threat against this  
14 witness yesterday. We needed to move him from one location to  
15 another. I don't want to surprise the Court. He has a  
16 different colored-jumpsuit today.

17 And as part of that, explaining to him the move and  
18 the reason for the move, it was not just the agent, I also  
19 spoke with him. I apologize for not getting the Court's  
20 permission beforehand. I did want to alert you. I did not  
21 speak about the substance of his testimony. I spoke to him  
22 about the logistics and the reason for his move. It was a  
23 dynamic situation; I had to step in.

24 THE COURT: Thank you.

25 MS. KOMATIREDDY: Thank you, Judge.

## Proceedings

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1 THE COURT: Am I going to get a letter on the prior  
2 consistent statement from the defense? Because like tomorrow  
3 is the day; right?

4 MR. MIEDEL: No, I don't think the tomorrow is  
5 today.

6 MS. KOMATIREDDY: I think there is a little  
7 confusion, your Honor. That is not the witness who we are  
8 planning for on Thursday. It is the witness for whom we did  
9 the very long supplemental *Giglio* disclosure and motion and  
10 the redacted documents. The defense had not actually  
11 substantively responded to that motion yet. I'm not sure if  
12 they wanted to.

13 THE COURT: All right. Let's have the witness,  
14 please.

15 (Witness takes the stand.)

16 THE COURT: Okay, and the jury.

17 (Jury enters.)

18 THE COURT: Everyone, be seated.

19 Good morning, ladies and gentlemen.

20 THE JURY: Good morning, Your Honor.

21 THE COURT: Before we start, I did want to mention  
22 that a couple of you are staying standing up when you come  
23 into the jury box, which is fine if you want to. But we are  
24 all standing up for you. When you get in front of your seat  
25 if you want to sit down, please go ahead and sit down.

Avila - Cross - Miedel

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1           Where were we? Cross-examination, Mr. Miedel.

2           MR. MIEDEL: Thank you.

3   **ISRAEL AVILA,**

4           called as a witness, having been first previously duly  
5           sworn/affirmed, was examined and testified as follows:

6   CROSS-EXAMINATION

7   BY MR. MIEDEL:

8   Q     Good morning.

9   A     Good morning.

10   Q     Mr. Avila, I just wanted to be clear about something.  
11   You have never personally met Genaro Garcia Luna; correct?

12   A     Yes, that's correct. I never met him personally.

13   Q     You've never talked to him on the phone; right?

14   A     Correct.

15   Q     You've never seen him take a bribe?

16   A     No.

17   Q     You've never seen money being delivered to him  
18   personally?

19   A     No.

20   Q     So, aside from the ledgers that we'll talk about in a  
21   little bit, literally everything you testified about yesterday  
22   about Mr. Garcia Luna is based on what you heard from other  
23   people; right?

24   A     Not only what I heard, but what I was present for.

25   Q     You were never present for any kind of meeting with Mr.

Avila - Cross - Miedel

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1 Garcia Luna; correct?

2 A Correct.

3 Q You heard about them?

4 A Correct.

5 Q You testified a lot yesterday about Mario Pineda;  
6 correct?

7 A Yes.

8 Q He was your boss; right?

9 A Yes.

10 Q You were also close to him; right?

11 A Yes.

12 Q You were friends?

13 A Yes.

14 Q That is until you murdered him; right?

15 A Not only me.

16 Q Well, let's talk about that.

17 At some point Mario Pineda was called to have a  
18 meeting with you and others; right?

19 A Yes.

20 Q And you were there and Grande were there; right?

21 A Correct.

22 Q And Mario was tied up; correct?

23 A Not when he arrived.

24 Q After he arrived?

25 A Yes.

Avila - Cross - Miedel

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1 Q And then he was tortured for two days; right?

2 A Yes.

3 Q And you participated in that torture?

4 A Yes.

5 Q Of your friend?

6 A Supposed friend.

7 Q And then you were told he needs to be killed; right?

8 A Yes, that's correct.

9 Q So then you and Grande and others took him out to the  
10 highway. Yes?

11 A Yes.

12 Q And you were given a weapon; right?

13 A Yes.

14 Q And you shot him?

15 A Yes.

16 Q And then Grande took over for him; right?

17 A That's correct.

18 Q And you didn't get along well with Grande; correct?

19 A We didn't have a great relationship.

20 Q In part, that's because Grande murdered your friend  
21 Francisco Camacho; right?

22 A No, it was from before.

23 Q You didn't like that either, did you?

24 A No.

25 Q And, by the way, Francisco Camacho, he was a close friend

Avila - Cross - Miedel

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1 of yours; right?

2 A Yes, he was my compadre.

3 Q He is not the only person that you saw Grande murder  
4 personally; right?

5 A I didn't see when he was killed.

6 Q Well, you learned that he was killed by Grande; right?

7 A Yes, that's correct.

8 Q And you were present when Grande killed other people;  
9 correct?

10 A Yes, that's correct.

11 Q Personally?

12 A Yes.

13 Q For example, there was a meeting in Acatlipa, Morales  
14 where he shot someone to death in a garden of a house. Do you  
15 remember that?

16 A Yes.

17 Q So if Grande were to say that the only time he may have  
18 killed someone was in a shootout, that would be a lie. Right?

19 MS. REID: Objection.

20 THE COURT: Sustained.

21 Q You testified yesterday about the fact that you saw many  
22 people being murdered; right?

23 A Correct.

24 Q And being tortured?

25 A Correct.

Avila - Cross - Miedel

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1 Q And that it was your job at times to bring the people who  
2 were going to be tortured or killed to the safe houses where  
3 that was going to take place; right?

4 A Yes.

5 Q You rented houses or apartments specifically for the  
6 purpose of people being brought there to be tortured or  
7 killed; right?

8 A Yes.

9 Q So, in other words, you were not just the guy at the  
10 cartel who rented houses and performed other logistics; right?

11 A I would do what I was asked by them to do.

12 Q Well, you assisted cartel members in kidnappings,  
13 torturing, and killing; correct?

14 A Correct.

15 Q And you also personally assaulted several people who owed  
16 drug debts; correct?

17 A Correct.

18 Q You assaulted a federal judicial police officer because  
19 he was believed to be cooperating with the DEA; right?

20 A Federal judicial, I don't remember that being a federal.  
21 But state judicial, yes.

22 Q Okay. State judicial police officer then.

23 You remember assaulting a state judicial police  
24 officer?

25 A Yes.



Avila - Cross - Miedel

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1 Q And after you finished beating him your friend, compadre,  
2 Francisco Camacho murdered him by hanging him; right?

3 A He strangled him.

4 Q Killing him?

5 A Yes.

6 Q You were also the person who was sent by the cartel to  
7 investigate certain losses of drugs; correct?

8 A Yes.

9 Q So, for example, the situation that led to your arrest in  
10 -- ultimately in Chicago, that was related to this; right?

11 A That was different there. It was to help their family  
12 members so that they would not be arrested.

13 Q Isn't it true that you were sent to Chicago specifically  
14 to investigate why workers in Chicago had lost 20 kilos of  
15 heroin?

16 A I'll repeat again. It was not only for that purpose; it  
17 was also so that these guys' family members would not be  
18 arrested.

19 Q But that was one of the purposes you went there for,  
20 right, to figure out what happened to those 20 kilos?

21 A Yes.

22 Q And when you were arrested, that was ultimately based on  
23 your connection to that case; right?

24 A Yes.

25 Q And you were present at your sentencing; right?

Avila - Cross - Miedel

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1 A My sentencing?

2 Q When you were sentenced on the case, you were present;  
3 right?

4 A Yes.

5 Q You heard the judge talking about the fear that the  
6 Chicago workers had when somebody from the cartel came to  
7 investigate; right?

8 MS. REID: Objection.

9 THE COURT: Sustained.

10 Q Well, let me just say this: You were sent to various  
11 locations as the representative of the cartel; correct?

12 A Yes.

13 Q And standing behind you was the reputation of  
14 ruthlessness that the cartels had; right?

15 A Because of the support they had for -- from the  
16 government as well, not only for their ruthlessness.

17 Q I'm going to ask you again: When you went somewhere to  
18 investigate, let's say, a loss of drugs, carrying with you was  
19 the reputation of ruthlessness that the cartel had; right?

20 A No.

21 Q When somebody lost drugs -- let's say, in Chicago,  
22 right -- That belonged to the cartel and the cartel in Mexico  
23 decided to send somebody up there to the United States, to  
24 Chicago, to find out what's going on, as far as you know  
25 personally those people were scared of you; right?

Avila - Cross - Miedel

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1 A I was not the only person sent to Chicago. There were  
2 three of us.

3 Q I'm going to ask you to just answer the question that I  
4 ask you. Okay?

5 I didn't ask you if there were three people sent. I  
6 asked you whether when you got to Chicago you personally  
7 believed that those people were scared of you because you were  
8 coming from the cartel.

9 A No.

10 Q All right. Now, you were arrested in Texas at the end of  
11 2012; correct?

12 A At the beginning of December 2012, December 2012.

13 Q That's the end of 2012; right?

14 A Yes.

15 Q And initially for a couple of years almost, you fought  
16 the case? You didn't plead guilty; right?

17 A Correct.

18 Q But then you realized that the prosecutors had real  
19 evidence against you; right?

20 A No. It wasn't because of that; it was really because I  
21 wanted to have the case be over.

22 Q Well, you realize that the Government had thousands of  
23 e-mails and financial records that they could prove the case  
24 against you --

25 MS. REID: Objection.

Avila - Cross - Miedel

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1 Q -- correct? You knew that?

2 THE COURT: Overruled.

3 A There weren't thousands.

4 Q Hundreds?

5 A They weren't even hundreds. They were maybe 50  
6 operations of mine that they had for me, but they were  
7 certainly few than 100.

8 Q And they were e-mails and financial records; correct?

9 A Yes.

10 Q And your trial was scheduled for April of 2014; do you  
11 remember that?

12 A I don't remember the date.

13 Q Does that sound about right?

14 A I'd be lying if I said yes.

15 Q Do you recall that a month before your trial date your  
16 lawyer wrote a letter to the Court asking for an adjournment;  
17 do you remember that? Asking for the trial to be put off.

18 MS. REID: Objection.

19 THE COURT: Overruled.

20 A What I know, the judge -- I'm sorry. The lawyer did, he  
21 told me that he was going to come to an agreement with the  
22 prosecutors office to plead guilty.

23 Q Mr. Avila, I'm going to ask you again to answer the  
24 question that I ask you. Okay?

25 I asked you: Are you aware that a month before your

1 trial date, your lawyer requested for the trial to be put off?

2 Do you remember that?

3 A Yes, for it to be postponed, yes.

4 Q And the reason you're aware of this -- right -- the  
5 reason he asked for it to be postponed was because the  
6 Government had given him 500 gigabytes of e-mails and  
7 financial records in your case, and he was overwhelmed by that  
8 and he needed more time.

9 A That's right. I don't know how many gigabytes there  
10 were, but he did have to review what the Government had turned  
11 over.

12 Q And shortly after reviewing that evidence, you decided to  
13 start cooperating; right?

14 A I was never handed the discovery itself. My attorney  
15 told me that there were some statements and money transfers of  
16 mine that they had, and that was why I decided to talk to the  
17 Government.

18 Q Right. Because you thought that if you went to trial and  
19 you lost, you could spend rest of your life in jail or close  
20 to it; right?

21 A It wasn't because of that; it was because it was better  
22 to reach an agreement.

23 Q It was better to reach an agreement because you didn't  
24 want to spend the rest of your life in prison; correct?

25 A That wasn't what my lawyer foresaw for me or wanted for

Avila - Cross - Miedel

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1 me.

2 Q You understood -- well, you had extensive discussions  
3 about your case with your lawyer, I assume; right?

4 A That's correct.

5 Q And you are an educated person, you went to college;  
6 correct?

7 A I didn't graduate.

8 Q You went to college right --

9 THE INTERPRETER: Didn't finish.

10 A I did start it, yes.

11 Q And I assume you took an active from in your own case;  
12 right?

13 A No, I left all of that to the lawyers.

14 Q So it was the lawyers who decided that you were going to  
15 go to trial for two years?

16 A That is correct. What they told me is that what I should  
17 do is go to trial because they did not have enough evidence  
18 against me at that time.

19 Q And then they told you, oh, now we have a lot of  
20 financial records and e-mails, you should plead guilty?

21 MS. REID: Objection.

22 THE COURT: I want to try to cut through this a  
23 little bit.

24 Was one of the reasons that you pled guilty because  
25 you thought the Government had a strong case against you?

Avila - Cross - Miedel

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1 THE WITNESS: Yes. And because I really didn't want  
2 to go to trial. I wanted to reach an agreement with the  
3 Government.

4 Q And my question to you is? The reason you didn't want to  
5 go to trial was if you lost, you would spend the rest of your  
6 life in prison; right?

7 A No, not just because of that. I knew what I had done.  
8 It's not because of the time that I would spend in prison, but  
9 I was aware of what I had done.

10 Who would fight something they know they have done?

11 Q You knew what you had done for the two years where you  
12 didn't plead guilty, and you did -- right?

13 A Correct. Because of the attorneys were advising that  
14 they didn't have enough evidence, so I trusted them. And,  
15 unfortunately, it wasn't like that.

16 Q Am I correct in assuming that you had discussions with  
17 your lawyers about the possible consequences of what would  
18 happen if you lost at trial versus what would happen if you  
19 pled guilty and cooperated?

20 A Correct.

21 Q And the consequences to you of pleading guilty and  
22 cooperating were going to be much better than the consequences  
23 of losing at trial; correct?

24 A Of course.

25 Q Thank you.

Avila - Cross - Miedel

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1 A You're welcome.

2 Q You started meeting with the Government in 2015; right?

3 A I think so. I don't remember the year. I would be lying  
4 if I told you a year.

5 Q And when I say the Government, I mean agents from the DEA  
6 and prosecutors, that sort of thing, from the U.S. Government.

7 A Yes. What I'm saying is I don't recall the year. I  
8 don't recall exactly if it was in 2014 or 2015.

9 Q Mr. Avila, thank you. I -- I asked you whether you  
10 understood the Government to mean agents of the DEA and  
11 prosecutors from the U.S. Government.

12 A Correct.

13 Q You met with them several times; right?

14 A Yes.

15 Q Between 2014, '15, and 2016; right?

16 A Yes.

17 Q But -- and the goal of those meetings for you was to get  
18 this letter from the Government called a 5K letter; right?

19 A My goal -- my goal was that they wouldn't give me more  
20 than 10 years, which is what I had discussed with the  
21 attorneys. I don't know how they were going to do it, but  
22 they said that they might do it.

23 Q Okay. So your attorneys and you had discussions about  
24 the goal of not getting more than 10 years; correct?

25 A Correct.



1 Q And you didn't learn -- you didn't have conversations  
2 about the fact that in order to get significantly less time  
3 the Government had to submit a 5K letter to the judge?

4 A Well, I don't know if that was what they were going to  
5 do.

6 What I do remember was that the prosecutors were  
7 going to then send a letter to the judge or that they would  
8 talk to the judge requesting that I didn't get more than 10  
9 years. I don't recall if that was a letter that they were  
10 going to send.

11 MS. REID: Your Honor, can we have a brief sidebar?

12 THE COURT: Sure.

13

14 (Sidebar.)

15 (Continued on next page.)

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Sidebar

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1 (The following occurred at sidebar.)

2 THE COURT: What's up?

3 MS. REID: Your Honor, it sounds as if Mr. Miedel is  
4 about to ask the witness about a decision not to offer him a  
5 5K1 letter, which I think goes into the opinion of a  
6 prosecutor on his credibility, none of which, by the way, is  
7 recorded anywhere, but I have a feeling that might be where  
8 he's going. We have moved on this issue for other witnesses.  
9 It's not appropriate. So I just wanted to stop that before we  
10 get there.

11 MR. MIEDEL: I'm simply going to ask him about the  
12 fact that he was not given a cooperation agreement and that,  
13 therefore, he didn't get the ten years or whatever he was  
14 hoping for and, in fact, he got more than that and that he was  
15 unhappy about that.

16 THE COURT: That he was not given a cooperation --

17 MR. MIEDEL: Right.

18 THE COURT: He was not given a cooperation agreement?

19 MS. REID: No, he was not given one, but the reason  
20 for why he wasn't given one, I just don't want there be to be  
21 questions about that.

22 MR. MIEDEL: I'm not going to get into that.

23 THE COURT: No reasons, just facts.

24 MS. REID: Thank you.

25 (End of sidebar conference.) (Continued next page.)

Avila - Cross - Miedel

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1 (In open court.)

2 MR. MIEDEL: May I proceed?

3 THE COURT: Please.

4 BY MR. MIEDEL:

5 Q Mr. Avila, in fact, you were not given a cooperation  
6 agreement from the Government based on your meetings; right?

7 A No, I didn't get anything.

8 Q But -- again, I asked you this before. You were present  
9 at your sentencing, you heard what everyone said at the  
10 sentencing; correct?

11 A Yes.

12 Q And you're aware that you were facing a sentencing  
13 guideline range of 25 to 30 years at your sentencing; right?

14 A Well, look, you know, my attorneys never really said  
15 that. They only spoke to me about ten years only. And, you  
16 know, in fact, before my sentencing my attorney, Rafael Del  
17 Garca, came to talk to me, and he told me that he was looking  
18 at the light at the end of the tunnel. But not a tunnel where  
19 I could be crushed by a train, but, rather, the tunnel of own  
20 freedom.

21 Q But, in fact, you felt like you got crushed by a train;  
22 right?

23 A Correct.

24 Q And that's -- well, let me go back because the question I  
25 had actually asked you before was: You heard at the

Avila - Cross - Miedel

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1 sentencing that your sentencing guideline range was 25 to 30  
2 years; correct?

3 A I don't remember that.

4 What I do remember is that the judge was thinking  
5 about giving me more time. But then he saw that I was  
6 remorseful, so he was going to give me a second chance.

7 MR. MIEDEL: Judge, I'm going to elicit your help  
8 here. If you would direct the witness just to answer yes or  
9 no if possible.

10 THE COURT: Okay. Tell the witness that if the  
11 question calls for a yes-or-no answer, he should answer the  
12 question yes or no. If he can't answer the question yes or  
13 no, he should just say I can't answer the question yes or no.

14 THE WITNESS: Correct.

15 Q So I just want to be clear. You did not hear the judge  
16 or people at the sentencing say that your guideline range was  
17 292 to 365 months?

18 A I'm going to repeat that again. That answer I cannot  
19 respond with a yes out a no.

20 Q I'm simply asking: Did you or did you not hear that?

21 A I don't remember.

22 Q Okay. You said just now in your previous answer that the  
23 judge said he was going to give you more time, but he gave you  
24 15 years because of your remorse. Is that what you're saying?

25 A Yes.

Avila - Cross - Miedel

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1 Q But isn't it, in fact, true that at your sentencing the  
2 prosecutor gave a very long speech about the -- your  
3 cooperation even though it had not led to a cooperation  
4 agreement and that's why the judge gave you less than 25 or 30  
5 years?

6 A I don't remember what the prosecutor said. I don't  
7 remember.

8 Q Mr. Avila, your sentencing took place in 2018; right?

9 A I don't remember the year.

10 I think so.

11 Q That's about five years ago, less?

12 A Yes, about five years.

13 Q And you testified with enormous clarity about events that  
14 took place in 2005. You remember those, right?

15 A Yes, I do remember that. But as to the sentencing, I  
16 don't remember as clearly as you said I do.

17 Q And the sentencing concerned your life and your future;  
18 right?

19 A Yes. I was -- yes, but I was very nervous. I was really  
20 nervous at that time of my sentencing.

21 Q You said -- again, earlier you said you felt like you got  
22 hit by a train when you got 15 years; right?

23 A Yes.

24 Q You said that you had hoped or expected that you were  
25 going to get ten years or maybe even less; right?

Avila - Cross - Miedel

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1 A Ten years.

2 Q Which is what you serve now?

3 A Yes.

4 Q So you think ten years is enough; right? You should get  
5 out now?

6 A I could have already gotten out.

7 Q So you're sentenced -- you don't quite remember -- but  
8 let's say 2018; right?

9 A Yes, I think so.

10 Q And you get transferred to a prison where you have to  
11 serve out the rest of your time; right?

12 A Yes.

13 Q But then in 2020 -- in 2020, prosecutors showed up and  
14 wanted you to cooperate against Mr. Garcia Luna; right?

15 A No, they not only came to ask me about him, but also  
16 about another person.

17 Q But they also came to ask you about him; right?

18 A Yes.

19 Q And suddenly you had a chance, an opportunity to reduce  
20 your sentence to what you had wanted to get; right?

21 A We didn't reach an agreement. That appointment was  
22 cancelled because of my own security issues.

23 Q Once you had a meeting with them, they came to ask you  
24 about helping them in their prosecution against Garcia Luna;  
25 right?

Avila - Cross - Miedel

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1 A Yes.

2 Q And suddenly you had an opportunity, if you cooperated  
3 with them, to reduce your sentence to what you had wanted to  
4 get in the first place; right?

5 A That wasn't just my opportunity.

6 I had already the opportunity to be released because  
7 I had applied for a treaty to transfer prisoners.

8 Q We'll get to that.

9 But in -- when did you apply for your treaty  
10 transfer?

11 A I don't remember if it was 2018 or 2019.

12 Q But it hadn't been approved yet by the time you met with  
13 these folks; right?

14 A No.

15 Q So, again, yesterday you testified that you were hoping  
16 that through your cooperation you would get a reduction in  
17 your 15-year sentence? You said that yesterday?

18 A Yes.

19 Q So -- again, I'm asking you: An opportunity presented  
20 itself to you in 2020 that could allow you to reduce your  
21 sentence to what you originally wanted; correct?

22 A I cannot answer that question with a yes or with a no.

23 Q All right. I'll move on.

24 Yesterday you testified about renting out a house to  
25 a bunch of people in 2005.

Avila - Cross - Miedel

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1 A Yes.

2 Q And you saw them wearing AFI uniforms at times; right?

3 A Yes, some of them. Some of them wore suits.

4 Q And some of them wore AFI uniforms?

5 A Vests.

6 Q Vests, okay.

7 And AFI was, as you know, a federal police agency;  
8 right?

9 A Yes.

10 Q And AFI was a police force of thousands of officers;  
11 right?

12 A Yes.

13 Q And Mr. Garcia Luna was the head of those thousands of  
14 police officers. He ran the agency; right?

15 A Yes, I believe so.

16 Q So the people that say -- the people that you said worked  
17 for Garcia Luna, they worked for an agency that thousands of  
18 others worked for also; right?

19 A Yes.

20 Q You testified yesterday that the cartel people used  
21 radios; right?

22 A Yes.

23 Q You actually said this they used Nextel and Iusacell  
24 phones; right?

25 A USA cell.



Avila - Cross - Miedel

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1 Q USA cell.

2 A And portable radios.

3 Q Iusacell is a Mexican or was a Mexican cell phone  
4 company; right?

5 A Yes. They would sell those radios in Mexico.

6 Q They sold phones. They were a phone company; right?

7 A Cellular phones and this was a phone that had the option  
8 of being a radio.

9 Q Now, you testified yesterday about properties in  
10 Cuernavaca.

11 Do you remember that?

12 A Yes.

13 Q And Cuernavaca is a popular location for people from  
14 Mexico City to build second homes; right?

15 A Yes.

16 Q It's a pretty place; right?

17 A Yes.

18 Q It's in the country?

19 A No, it's a City.

20 Q But there are rural areas surrounding it also where  
21 people build houses; right?

22 A Yes.

23 Q It's less than two hours from Mexico City?

24 A That's correct.

25 Q Now, you testified that you a bought finished,

Avila - Cross - Miedel

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1 ready-to-move-in houses for the cartel; right?

2 A Yes.

3 Q And I think you said that those prices ranged from half a  
4 million dollars to one and a half million dollars, and then  
5 there was one house that was like \$4 million; right?

6 A Yes. Yes. Those were the house that I bought for Mario  
7 Pineda and Arturo Beltran Leyva.

8 Q Right. I didn't ask you who you bought them for. I  
9 simply asked you the prices. Okay?

10 Now, you would agree you weren't in the real estate  
11 business -- sorry. Withdrawn.

12 You were in the real estate business; right?

13 A Yes.

14 Q You would agree that it's, obviously, much cheaper to buy  
15 just the land than the land with a finished house on it;  
16 right?

17 A Yes.

18 Q If you're just buying the land without a structure on it,  
19 that might just be a few thousand dollars; right?

20 A It depends on the location.

21 Q Right. And it also depends on the size, obviously;  
22 right?

23 A Yes.

24 Q So couple acres -- an acre -- a couple of acres is going  
25 to be a lot cheaper than, you know, 500 acres; right?

Avila - Cross - Miedel

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1 A Yes.

2 Q You would also agree that construction costs, labor, that  
3 sort of thing were cheaper in Cuernavaca than, for example, in  
4 Mexico City; right?

5 A Yes.

6 Q Certainly, cheaper than in the United States?

7 A Of course.

8 Q So, would you agree that if you bought land and then over  
9 time constructed a house on it using local labor that might  
10 not actually be that expensive; right?

11 A Correct.

12 Q Now, the houses that you bought for the cartel, those  
13 were all paid for in cash; right?

14 A Yes, generally most of them.

15 Q Well, you said sometimes with checks?

16 A Yes, sometimes checks and sometimes pesos.

17 Q But all the houses that you bought were paid fully,  
18 right, whether it was in cash or check?

19 A No.

20 Q You're saying the cartel went out and got mortgages?

21 A No, but they would request payment plans to pay off the  
22 houses, especially Mario Pineda.

23 Q Payment plans from whom?

24 A To the owners.

25 Q But you're saying, obviously, drug traffickers didn't go

Avila - Cross - Miedel

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1 to a bank and try to obtain a mortgage for their properties;  
2 right?

3 A Correct.

4 Q For example, a mortgage, having a mortgage on a property  
5 makes it traceable; right?

6 A Correct.

7 Q The bank knows the purchase price and the value; right?

8 A Correct.

9 Q The bank has the information of the owner; right?

10 A Correct.

11 Q And I just asked you a couple of minutes ago about buying  
12 property and building a house on it; right?

13 A Yes.

14 Q And if you bought land in the Cuernavaca region with just  
15 a small house on it, that would, obviously, be much cheaper  
16 than buying a big, fancy house; right?

17 A Yes.

18 Q Now, Mr. Avila, yesterday you testified that you had  
19 heard about Genaro Garcia Luna being kidnapped.

20 Do you remember that?

21 A Yes. That he had been abducted by Francisco Camacho. I  
22 didn't hear about it. He told me about it.

23 Q When somebody tells you something; don't you hear it?

24 A They're different things, to just hear it around and  
25 having someone tell you.

1 Q Right. Francisco Camacho, your compadre who was later  
2 murdered by Grande, he is the one who told you; right?

3 A Yes, that's correct.

4 Q And you're telling us, you testified yesterday and you're  
5 telling us today what he told was that he abducted Genaro  
6 Garcia Luna for a period of time; right?

7 A I don't know how long he was there, but I do know he was  
8 abducted.

9 Q From Francisco Camacho?

10 A Yes, I heard it from him.

11 Q Now, you have spoken about this kidnapping situation  
12 several times before with the Government; right?

13 A Yes.

14 Q And in all those times that you've talked about the  
15 situation, you never told the Government that Genaro Garcia  
16 Luna personally was abducted; correct?

17 A I'm going to say it again: It was Genaro Garcia Luna and  
18 his people. That's how he told me.

19 Q And I'm asking you: In all your previous meetings with  
20 the Government where you talked about the situation, you never  
21 said that he personally was abducted?

22 A I understand that he was a part of it. I do know that  
23 for certain.

24 Q Isn't it true that you told the Government that it was  
25 his security people that were detained on the road between

Avila - Cross - Miedel

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1 Mexico City and Cuernavaca?

2 A Genaro Garcia Luna's people, not his security detail.

3 That's how I was told it, and that's what I said.

4 Q All right --

5 THE COURT: All right. Hold on.

6 He's not asking you what happened.

7 He's asking you what you told the Government. Okay.

8 Ask a question.

9 THE WITNESS: Okay.

10 Q Okay. So, for example, in February of 2020 -- I guess  
11 now three years ago -- you met with -- you met with the  
12 Government for several hours; right?

13 A Yes.

14 Q And isn't it true that in that meeting you told them that  
15 Hector Beltran couldn't get ahold of Garcia Luna?

16 Do you remember that?

17 A That there were no meetings being agreed to, not what he  
18 said.

19 Q Just try to answer the question yes or no. You don't  
20 have to give commentary. If you can't answer the question,  
21 then just tell us. Otherwise, please answer yes or no.

22 A I'm sorry.

23 Q Hector -- according to you, Hector Beltran couldn't get  
24 ahold of or couldn't see, whatever, Mr. Garcia Luna; right?

25 A Correct.

Avila - Cross - Miedel

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1 Q And, so, according what you heard, he ordered your friend  
2 Camacho to detain Mr. Garcia Luna's security people to send a  
3 message?

4 A I cannot answer that question with a yes or a no.

5 Q Mr. Camacho told you that he was directed by Hector to  
6 detain Mr. Garcia Luna's security people, yes or no?

7 A He didn't say it like that. Garcia Luna's people. He  
8 did not say anything about security.

9 Q What do you mean by people?

10 A I understood it as the group, him and his group.

11 Q And his group is what, his security people?

12 A His trusted people was what I imagine, not so much his  
13 security people.

14 Q Isn't it true that you were told -- well, withdrawn.

15 Isn't it true that you told the Government during  
16 that meeting that you were told that after Camacho detained  
17 the people, he was able to reach Garcia Luna?

18 A Can you please repeat the question.

19 Q Isn't it true that you told the prosecutors during that  
20 February 2020 meeting that after your friend detained the  
21 people, Hector could then reach Garcia Luna?

22 A Yes.

23 MR. MIEDEL: One moment.

24 (Pause.)

25 Q And, again much more recently, August of this past year,

Avila - Cross - Miedel

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1 2022, you again told these prosecutors that you heard that  
2 Camacho had stopped Mr. Garcia Luna's security detail?

3 A Genaro Garcia Luna's people.

4 Q Let me ask you this way: You never, until yesterday,  
5 told these prosecutors that you had specific information that  
6 Genaro Garcia Luna was -- had been kidnapped personally?

7 A I understood it like that, that he was part of that  
8 kidnapping. They might not have said that he specifically was  
9 included in it, but that's what I understood.

10 Q Okay. Mr. Avila, you testified yesterday about ledgers.  
11 Do you remember that?

12 A Yes.

13 Q And you considered yourself to be adept with computers;  
14 right?

15 A Yeah. Yeah.

16 Q At least as compared with some of the other cartel  
17 people; right?

18 A Yes.

19 Q And before you came along, you said that the accountants  
20 for the cartel kept ledgers that were kept -- that were done  
21 by handed; right?

22 A Yes, an accounting ledger.

23 Q By hand; right?

24 A Yes.

25 Q And you helped them put the stuff onto Excel



Avila - Cross - Miedel

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1   spreadsheets; right?

2   A    Yes, that's correct.

3   Q    And, in fact, you said -- I think you told the Government  
4   previously that you helped the accountants two to three times  
5   a week working on these ledgers; right?

6   A    Yes. It was almost through a whole year that I was  
7   helping them and telling them how to do it.

8   Q    And you also testified that payments that were supposedly  
9   made to Mr. Garcia Luna were kept on those ledgers?

10  A    Correct.

11  Q    And also on the spreadsheets, the Excel spreadsheets;  
12  right?

13  A    Yes.

14  Q    Do you have those spreadsheets?

15  A    Not with me.

16  Q    You don't have them with you, they're back in the jail  
17  cell?

18  A    I don't have them.

19  Q    You don't have them?

20                You said that -- well, you said that -- withdrawn.

21                You said that those payments to Mr. Garcia Luna were  
22  supposedly reflected on these ledgers that you don't have;  
23  right?

24  A    Right. It was just only what they would tell me, and  
25  that's what I did.

Avila - Cross - Miedel

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1 Q And you wrote out the name Garcia Luna into those  
2 spreadsheets; right?

3 A Never.

4 Q Never? That's your testimony today?

5 A I never wrote Garcia Luna on those sheets. It didn't say  
6 Garcia Luna.

7 Q Okay. You were interviewed by the Government on February  
8 26, 2020. Do you remember that?

9 A Yes, I think so.

10 Q And you were asked about this topic; correct?

11 A Yes. Yes. They did ask me, but it was really a very  
12 quick meeting that had to be cancelled because of my own  
13 security.

14 THE COURT: I'm going to ask the witness again to  
15 please confine his answer to just the question. He didn't ask  
16 about the length of the meeting; he just asked if there was a  
17 meeting.

18 THE WITNESS: Sorry.

19 Q You're saying this was a quick meeting?

20 A Yes. It was a quick meeting because I had a safety  
21 issue. I think it was maybe about 40 minutes to an hour.

22 Q You understand that -- well, you saw agents taking notes  
23 during these meetings; right?

24 A Yes.

25 Q And you know that those notes were turned into official

Avila - Cross - Miedel

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1 reports; right?

2 A Correct.

3 Q How do you know that I'm referring to -- I'm referring to  
4 a meeting that took place on February 26, 2020. How do you  
5 know that was the meeting that was cut short?

6 A Because it was the only meeting that I had before here.  
7 2020.

8 THE COURT: That's enough.

9 Let's have another question, please.

10 Q Well, whether it was short or long I'm going to ask you  
11 this: At that meeting you were specifically asked about  
12 whether the ledger spelled out the name Garcia Luna.

13 Do you remember that?

14 A I don't remember.

15 Q And then do you not remember that you said, yes, the  
16 ledger spelled out the name Garcia Luna?

17 A On the ledgers I never saw the name Garcia Luna.

18 THE COURT: He is not asking you --

19 THE WITNESS: -- I only saw --

20 Q I'm not --

21 THE COURT: Sorry. Sorry.

22 Finish the answer, please.

23 THE WITNESS: I only saw that it said Tartamudeo or  
24 Metralleta. And I didn't even know who that person was.

25 THE COURT: He is not asking you what was in the

Avila - Cross - Miedel

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1 ledgers. He is asking you what you told the U.S. Attorney in  
2 that meeting.

3 Q So, Mr. Avila, I'm going to show you only, okay, a  
4 document. See if that refreshes your recollection about this  
5 conversation. Okay?

6 MR. MIEDEL: Could we show the witness what has been  
7 marked for identification as IA-11 and scroll to paragraph 20.

8 And if I could just ask the interpreter to read the  
9 sentence that starts with "when asked about" to the witness,  
10 of course.

11 Q Mr. Avila, does that refresh your recollection about the  
12 fact that you told the Government that the name Garcia Luna  
13 was spelled out on the ledger?

14 THE COURT: Answer the question yes or no. It  
15 either refreshes your recollection or it doesn't refresh your  
16 recollection.

17 THE WITNESS: No.

18 MR. MIEDEL: You can take that down. Thank you.

19 Q So, Mr. Avila, Genaro Garcia Luna was a very famous  
20 person in Mexico; correct?

21 A Correct.

22 Q People knew who he was; right?

23 A Yes.

24 Q He was on the news; right?

25 A Yes.

Avila - Cross - Miedel

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1 Q In the newspapers?

2 A Yes.

3 Q You saw him speaking on TV; right?

4 A Yes.

5 Q He gave speeches; right?

6 A I think so.

7 Q And you also know, of course, that he served in the  
8 cabinet of President Felipe Calderón; right?

9 A Yes.

10 Q And that he was the Secretary For Public Security in the  
11 Calderón administration?

12 A Yes.

13 Q And that administration lasted from 2006 to 2012; right?

14 A Yes.

15 Q And you, of course, know that Felipe Calderón was not  
16 re-elected in 2012; right?

17 A Yes.

18 Q And a different administration took over in 2012?

19 A Yes.

20 Q And as a result, you're aware that the people in  
21 President Calderón's cabinet, including Mr. Garcia Luna, left  
22 the administration; right?

23 A Yes.

24 Q You're aware that Mr. Garcia Luna stopped being the  
25 public security secretary; right?

Avila - Cross - Miedel

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1 A I didn't know that. I was arrested in 2012.

2 Q Well, you were still reading the newspapers even after  
3 your arrest, weren't you?

4 A No, I didn't receive newspapers.

5 Q Would you agree that the purpose of bribing public  
6 officials for the cartels is because the public officials can  
7 do something for you; right?

8 A Yes.

9 Q The cartel is not going to bribe a private citizen who  
10 can't do anything for the cartel; right?

11 A Correct.

12 Q Bribes were paid to government officials precisely  
13 because they were in the government; correct?

14 A I don't know if it was precisely because they were in the  
15 government.

16 Q Well, if they weren't in the government, they couldn't  
17 help the cartel; right?

18 Would you agree with that?

19 A That answer, I think I cannot answer it with a yes or a  
20 no.

21 Q Well, you testified at length yesterday about the reasons  
22 for why public officials, police, that sort of thing were  
23 bribed; right? Do you remember that?

24 A Yes.

25 Q And it's because they were in a position of power, they

Avila - Cross - Miedel

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1 could provide something of benefit to the cartel; right?

2 A Correct.

3 Q And if somebody leaves a position of power, leaves the  
4 police, whatever, and just becomes a farmer, or whatever,  
5 they're no longer of use to the cartel; right?

6 A No.

7 Q They still are useful to the cartel?

8 A Yes. It's because of the relationships that they had  
9 made with people, that's why.

10 Q Well, my point -- my question to you is: The  
11 relationships were important because they were relationship  
12 with government officials; right?

13 A Yes. Correct.

14 Q If I'm a commander at the airport in control over  
15 interdiction of drugs, I could be useful to the cartel by  
16 being on their side; right?

17 A Yes.

18 Q If I leave my position as commander in the police and  
19 move to Costa Rica and go surfing, I'm no longer useful to the  
20 cartel; right?

21 A That's right.

22 Q And, so there's no need to bribe me anymore; right?

23 A No.

24 Q You would continue to bribe me while I was surfing in  
25 Costa Rica for years; right? Is that what you're saying?

Avila - Cross - Miedel

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1 A Not the way in which it used to be; but, yes, because of  
2 the connections that you had.

3 Even more so in Mexico.

4 Q More so in Mexico, meaning that if I remain in Mexico, I  
5 could still have connections?

6 A I'm referring to the fact as Mexicans we have that kind  
7 of culture.

8 Q Where you continue to bribe people forever even though  
9 they are no longer useful to you?

10 A Not that they are not useful. They are useful.

11 Q Forever. No matter what they do. That's what you're  
12 saying?

13 A Yeah. Some people, you know, they kept bribing them, and  
14 I really didn't even understand why.

15 Q Because they weren't useful, so why do it; right?

16 A That's right.

17 Q You testified yesterday that -- and also today -- that  
18 you put in a request for a transfer of your prison sentence to  
19 Mexico.

20 Do you remember that?

21 A Yes.

22 Q With the idea being that you would be transferred to  
23 Mexico, and you are supposed to continue your sentence there,  
24 but you might actually be eligible for parole?

25 A Correct.



Avila - Cross - Miedel

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1 Q In fact, you said that if you had gone to Mexico pursuant  
2 to this transfer, you would be free in Mexico?

3 A Yes, on parole.

4 Q And you testified that you took back that request so that  
5 you could have the privilege of coming here and testifying;  
6 right?

7 A Yes. So that I would say what I know about the  
8 gentleman.

9 THE COURT: Mr. Miedel.

10 Q So you're saying that --

11 THE COURT: Mr. Miedel, at a convenient point.

12 MR. MIEDEL: Sure.

13 THE COURT: Is it okay?

14 MR. MIEDEL: Yes.

15 THE COURT: We will take our morning recess, ladies  
16 and gentlemen. Please come back at 11:15.

17 Remember not to talk about the case. See you in a  
18 few.

19 (Jury exits the courtroom.)

20 THE COURT: Okay. 15 minutes.

21 (Recess taken.)

22 (Continued on next page.)

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Avila - cross - Miedel

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1 (Continuing.)

2 THE COURT: The witness is back. Let's have the  
3 jury, please.

4 All rise for the jury.

5 (Jury enters the courtroom.)

6 THE COURT: All right, everyone, be seated.  
7 Please continue, Mr. Miedel.

8 MR. MIEDEL: Thank you.

9 BY MR. MIEDEL:

10 Q Mr. Avila, before the break, we were talking about the  
11 transfer request that you put in to finish serving your  
12 sentence in Mexico, correct?

13 A Correct.

14 Q And you testified that that request was approved, right?

15 A Correct.

16 Q And that you would have -- could have been transferred to  
17 Mexico, right?

18 A Yes.

19 Q And that you believed that once you got to Mexico, you  
20 would have gotten out on parole?

21 A Correct.

22 Q But instead, you decided it was better to not go back to  
23 Mexico and get released and remain in US prison, so that you  
24 could come and testify at this trial?

25 A Yes.

Avila - cross - Miedel

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1 Q That's what you're telling us?

2 A Yes. Not only testifying but also having a sentence  
3 reduction.

4 Q Well, if you were in Mexico, according to you, you think  
5 you would be walking the streets right now, right?

6 A Yes.

7 Excuse me, Mr. Miedel, I need a short sidebar.

8 (Continued on the next page.)

9 (Sidebar conference.)

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1 (The following at sidebar.) \*\* Sidebar

2 THE COURT: I probably don't need to tell you this,  
3 but I'm just a little concerned that if you start getting into  
4 too much why he's staying here, I assume, maybe I'm wrong, one  
5 of the reasons he's staying here is because he's afraid to go  
6 back to Mexico; am I wrong with that.

7 MS. REID: We moved to permit him to testify with  
8 a -- so that he could go back to Mexico. He informed us that  
9 that was his choice, and he did, as testified yesterday,  
10 before he had pled, for international transfer, and he  
11 withdrew it in order to testify here.

12 THE COURT: Okay.

13 MS. REID: As explained to the defense.

14 THE COURT: If you're not worried, I'm not worried,  
15 I just don't want Mr. Miedel to inadvertently open a door that  
16 says, okay, you know, I had this direct from this person and  
17 this direct from that person and that's why I'm here.

18 MS. REID: I expect some of that will come out  
19 because this is very dynamic, Your Honor, he was threatened  
20 yesterday.

21 THE COURT: I understand. I just wanted to make  
22 sure we're all on the same page.

23 MR. MIEDEL: Judge, he left the impression yesterday  
24 he was doing this out of the goodness of his heart.

25 THE COURT: I understand. I know why you're asking.

Avila - cross - Miedel

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1 I just suspect you could see where it could go, okay?

2 MR. MIEDEL: I don't know exactly with where it's  
3 going to go, but I'm not asking --

4 THE COURT: It could go to a point where you get  
5 some facts out that the jury might say, oh, this defendant  
6 must be a bad guy.

7 MR. MIEDEL: I'm going to try to avoid --

8 THE COURT: Do best you can.

9 (End of sidebar conference.)

10 (Continued on the next page.)

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Avila - cross - Miedel

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1           \*\*\* HEADER   Avila - cross - Miedel

2           (In open court; jury present.)

3           THE COURT: Please proceed.

4           BY MR. MIEDEL:

5   Q     Just, again, to back up, you could if you had gone to  
6   Mexico pursuant to your request, you believe you could be  
7   walking the streets of Mexico right now, right?

8   A     Yes.

9   Q     Mr. Avila, let me ask you this: Couldn't you just have  
10   gotten on a plane, come to Brooklyn, dress up in a nice suit  
11   and testify if that was your concern?

12   A     At one time, I thought that could be done like that.

13   Q     Well, my question is: You saying to this jury that you  
14   gave up your chance for freedom so that you could testify in  
15   this trial and sit there in your jail outfit, but you could  
16   have just come here voluntarily, right?

17   A     I wasn't able to get my transfer back. Once I retracted  
18   it, I couldn't get it back and time took over.

19   Q     So I just want to be clear, because you seemingly left  
20   the impression yesterday that you took your transfer back so  
21   you could testify at this trial; that's what you said, right?

22   A     Yes.

23   Q     And in your mind, it was clear that by doing so, you were  
24   giving up your chance to be free in Mexico, according to you?

25   A     Yes.

Avila - cross - Miedel

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1 Q And then it occurred to you after that, oh, I could  
2 actually just come back voluntarily?

3 A Yes.

4 Q But then it was too late?

5 A Yes.

6 Q Mr. Avila, isn't it true that you have no idea whether  
7 you would be released in Mexico?

8 A I consulted my lawyers when I was in the process of  
9 requesting the transfer and they told me I would have the  
10 option of being out on parole.

11 Q You committed an untold number of crimes in Mexico,  
12 didn't you?

13 A Yes.

14 Q We went through them today, some of them, just some of  
15 them, right?

16 A Yes.

17 Q You could be arrested and charged for those crimes in  
18 Mexico, couldn't you?

19 A I don't know that.

20 Q You don't know that?

21 A I don't know how long the statute of limitations would  
22 be.

23 Q Oh, you know all about statute of limitations?

24 MS. REID: Objection.

25 THE COURT: Overruled.

Avila - cross - Miedel

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1 A No.

2 Q You just said the word. What does it mean?

3 A I didn't know. I asked the lawyer. I asked him, you  
4 know, is there, like, an expiration date for crimes committed,  
5 but he wasn't able to answer that question either.

6 Q In other words, you don't know whether you would get  
7 charged with all the crimes that you committed in Mexico,  
8 including assisting in murders, right?

9 A That's right.

10 Q Also, Mr. Avila, you were -- you understand that you were  
11 scheduled for transfer to Mexico in March of 2022, correct?

12 A Yes.

13 Q But that didn't happen because these prosecutors put a  
14 hold on you, right?

15 A I did have a hold, I don't know who put it on. I had one  
16 and I was brought here.

17 Q Right. You were supposed to be transferred to Mexico but  
18 you had a hold and you were brought here; that's what you just  
19 said, right?

20 A Yes.

21 Q So, in fact, you weren't transferred to Mexico because  
22 you had a hold and they couldn't release you, not because you  
23 withdrew your application; isn't that right?

24 A Once I arrived here, I retracted my request since the  
25 trial was about to begin.



Avila - redirect - Reid

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1 Q Once you started talking to these prosecutors over here?

2 A Yes.

3 Q And isn't it true that they also talked to you about the  
4 possibility of maybe staying in this country?

5 A Yes.

6 Q And maybe bringing your family up here, right?

7 A Yes.

8 Q But that was obviously only going to happen if you  
9 testified here, right?

10 A Yes.

11 MR. MIEDEL: I have no further questions.

12 THE COURT: Redirect?

13 MS. REID: Yes, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. REID:

16 Q Mr. Avila, you were just asked on cross about whether you  
17 could be charged in Mexico, right? Do you remember that?

18 A Yes.

19 Q But you were not charged in Mexico, were you?

20 A Yes, there were -- I had no charges. In fact, before  
21 going there, I have my attorney check and I had no ongoing  
22 problems, I had no warrants for my arrest there.

23 Q And to be clear, the Mexican federal police did not  
24 arrest you in 2012; is that right?

25 A No, they didn't arrest -- they didn't arrest me. It was

Avila - redirect - Reid

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1 the government of the United States who arrested me.

2 Q And you were arrested here in the US; is that right?

3 A That's correct.

4 Q Now, you were also asked on cross-examination about notes  
5 taken in meetings with you; do you remember those questions?

6 A Yes.

7 Q When you met with the government on some occasions, did  
8 people take notes?

9 A Yes, I believe so.

10 Q Did you take those notes?

11 A No, I didn't even sign them.

12 Q And did you even review them?

13 A No.

14 Q Do you know if they are accurate?

15 A No.

16 Q Do you know if they are an exact transcript of everything  
17 you said or a summary?

18 MR. MIEDEL: Objection.

19 THE COURT: Overruled.

20 A I believe it's a summary. It's not a transcript of  
21 exactly every --

22 THE COURT: I'm going to reconsider that ruling.  
23 I'm going to strike the question and the answer. The jury  
24 will disregard it. Go ahead.

25 Q You were asked on cross about a meeting with the

Avila - redirect - Reid

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1 government in February of 2020. Do you remember those  
2 questions?

3 A No.

4 Q Do you remember defense counsel showed you something on  
5 your screen?

6 A Yes.

7 Q Well, I'd like to show you a page from that exact same  
8 document.

9 MS. REID: And if I could just show the witness page  
10 four.

11 MR. MIEDEL: Objection, Your Honor, can we have a  
12 sidebar?

13 THE COURT: Let me hear the question.

14 Q Isn't it true that at --

15 THE COURT: No. Okay, let's have a sidebar.

16 (Continued on the next page.)

17 (Sidebar conference.)

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Sidebar

822

1 (The following at sidebar.)

2 MS. REID: Just the foundation, Your Honor, I  
3 apologize.

4 THE COURT: It's not the foundation. It's what came  
5 out is he doesn't know or he doesn't remember saying what's in  
6 those notes, okay? The questions that were asked. So you  
7 cannot get out different statements saying you were asked this  
8 because then he'd be getting in his own statements  
9 effectively. So it's not redirect and it's really not  
10 admissible evidence.

11 MS. REID: Yes, Your Honor. Relatedly, I do plan to  
12 ask him about prior consistent statements he's made. I think  
13 he's been attacked for coming up with his story, having an  
14 opportunity to make up a story about a time period in 2020 and  
15 I'd like to ask him about prior consistent statements he made  
16 about the defendant.

17 THE COURT: To whom and when?

18 MS. REID: Some in 2016 to the government, four  
19 years before then, I'd like to also ask about statements he  
20 made in 2020 and after.

21 MR. MIEDEL: Judge, since we're here, it's a good  
22 opportunity to talk about it. I did not, with this witness,  
23 make any suggestion that he came up with a story about  
24 Garcia Luna.

25 THE COURT: Yes, you did.

Sidebar

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1 MR. MIEDEL: He didn't come up with it until 2020.  
2 I didn't --

3 THE COURT: Yes, you did. I drew it as a possible  
4 inference, okay, which means the jury could as well.

5 MR. MIEDEL: Well, I never said, at any time isn't  
6 it true that before 2020 you never mentioned this.

7 THE COURT: You didn't ask that express question but  
8 you made it sound on the time table that it was recent  
9 vintage.

10 MR. MIEDEL: Well, there's no statements that I  
11 impeached him with or omissions that I impeached him with, so  
12 I don't think it's proper to then bring in prior consistent  
13 statements to rebut.

14 THE COURT: Don't you think asking him all the  
15 questions as to his motive of talking to the government  
16 necessarily over so long a period creates the inference that,  
17 in fact, you know, it's a late disclosure to the government?

18 MR. MIEDEL: I mean, look, when I cross-examined  
19 Esta Navas (phonetic) I specifically went through fact that he  
20 had never mentioned that.

21 THE COURT: You did.

22 MR. MIEDEL: I never did that with this witness  
23 precisely for this reason. All I said was he's sitting there  
24 serving a sentence, thinks he's going to end up, fifteen  
25 years, and suddenly he's sees this as an opportunity. I'm not

Sidebar

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1 saying he never said anything before that that, he never  
2 mentioned Garcia Luna before that, he did.

3 THE COURT: It's interesting, I think because you  
4 were very specific with the last witness recent fabrication  
5 when you ask about one conversation in 2020, it spills over  
6 from the prior examination and suggests to the jury that, in  
7 fact, this one is also of recent vintage. I'm going to let it  
8 be brief, okay?

9 MS. REID: Yes.

10 THE COURT: Okay? It's okay to say, I had mentioned  
11 this previously, that I will allow.

12 MR. MIEDEL: Thank you, Your Honor.

13 (End of sidebar conference.)

14 (Continued on the next page.)  
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Avila - redirect - Reid

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1 (In open court; jury present.)

2 BY MS. REID:

3 Q Mr. Avila --

4 THE COURT: Let me just say one thing. Earlier  
5 only, okay?

6 MS. REID: Yes, Your Honor.

7 Q You were asked on cross-examination about a meeting in  
8 2020 with the government; do you remember being asked about  
9 that?

10 A Yes.

11 Q I believe you were asked if you saw that meeting as an  
12 opportunity; do you remember that?

13 A Yes.

14 Q But four years earlier in 2016, haven't you told the  
15 government that the Sinaloa Cartel was paying  
16 Genaro Garcia Luna?

17 A Yes.

18 Q That was two years before you were sentenced, right?

19 THE COURT: That's enough. Let's go on.

20 Q You were asked on cross some questions about houses that  
21 you bought for the Sinaloa Cartel; do you remember those  
22 questions?

23 A Yes.

24 Q I believe at one point you testified on cross that  
25 Mario Pineda Villa had a payment plan at times?

1 A Yes.

2 Q Can you explain why he needed a payment plan?

3 A Well, respectfully, I think that that was crazy because  
4 they had all the money they wanted to be able to pay in cash  
5 for everything they wanted. But he had a motto and it said on  
6 consignment, the world.

7 Q And what did that mean?

8 A That if he could buy on consignment, he would buy  
9 anything.

10 Q Is it fair to say that Mario Pineda Villa was spending a  
11 lot of cash while you worked for him?

12 A Well, not just abusing it, but also wasting it.

13 Q On what?

14 A Parties, luxurious cars, for example, an unnecessary  
15 renovation of a home.

16 Q I wanted to ask you about that. You were asked on  
17 cross-examination about traceable payments; do you remember  
18 being asked about that?

19 THE INTERPRETER: I'm sorry, what kind of payments?

20 MS. REID: Traceable.

21 THE INTERPRETER: Thank you.

22 A Yes.

23 Q Were the cash payments that Mario Pineda made to the  
24 designers who renovated his house traceable?

25 A No, they were in cash, American dollars.



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1 Q You were asked on cross-examination about  
2 Genaro Garcia Luna being a public figure and giving speeches;  
3 do you remember those questions?

4 A Yes.

5 Q Was President Calderon a public figure?

6 A Yes.

7 Q Did President Calderon give speeches?

8 A Yes.

9 Q What about the Secretary of Defense?

10 A Yes, I think so, too. All of the government officials  
11 usually give speeches.

12 Q You were also asked several questions about a public  
13 official's power after they leave office and whether they  
14 could still be useful to a cartel. Do you remember those  
15 questions?

16 A Yes.

17 Q I believe you were asked one question multiple times, I  
18 just want to clarify, I believe you testified that public  
19 officials' power comes from their relationships; is that what  
20 you said?

21 A That is correct, yes.

22 Q And to be clear, can relationships continue after someone  
23 leaves public office?

24 A Of course, those are relationships that stay forever.

25 Q Can someone be useful to the cartel if they continue to

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1 cover up crimes that cartel leaders committed after they leave  
2 public office?

3 A Yes, there's modality that is called recommendation.

4 Q What does that mean?

5 A To recommend or to replace somebody, the next person who  
6 is the person who will be conducting the payments.

7 Q How does that work?

8 A Let's say I'm a public official today and I receive money  
9 from a person, and I will then recommend my replacement, the  
10 person who comes after me, to continue to work with the person  
11 who was paying me in the event that they wanted to keep that  
12 relationship going.

13 Q And is that a way that someone who is no longer in public  
14 office can still be useful to people they worked with earlier?

15 A Yes.

16 Q Can someone else be useful to the cartel if they fail to  
17 report other government officials who are still in office who  
18 worked with the cartel?

19 A I'm sorry, I didn't really understand the question.

20 Could you repeat it?

21 Q Can someone be useful to the cartel even after they leave  
22 public office, if that person fails to report other public  
23 officials who work with the cartel who are still in office?

24 A If they don't recommend that person, then it stops --  
25 that person stops being useful. If they do recommend the

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1 person, then they continue to be useful.

2 Q You were asked on cross-examination about some things  
3 that happened at your sentencing and whether or not you  
4 remembered them; do you remember being asked about that?

5 A Yes.

6 Q I believe defense counsel asked you why you didn't  
7 remember your sentencing because your sentencing directly  
8 impacted your own life; do you remember that question?

9 A Yes.

10 Q Does testifying in this case impact you and your family?

11 A Of course.

12 Q How?

13 MR. MIEDEL: Objection. Can we --

14 THE COURT: Did you object?

15 MR. MIEDEL: Yes, I did.

16 THE COURT: Okay. Sidebar, please.

17 (Continued on the next page.)

18 (Sidebar conference.)

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Sidebar

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1 (The following occurred at sidebar.)

2 MR. MIEDEL: I don't know if Ms. Reid is about to  
3 get into this issue about whether he feels threatened or feels  
4 fear.

5 THE COURT: We are. That's where she's going.

6 MR. MIEDEL: And the fact that he didn't remember  
7 his sentencing in 2018 has nothing to do with that, for one,  
8 that was a leading question, and secondly, I didn't go into --  
9 into threats, right?

10 THE COURT: What's the basis for getting out the  
11 threats?

12 MS. REID: First of all, Your Honor, the question  
13 was why doesn't he remember something if it impacts him, and I  
14 think it's relevant that being here impacts him first of all.  
15 Second of all, there was so many questions on cross about the  
16 transfer, why doesn't he just go back to Mexico, show up here  
17 in his suit.

18 THE COURT: What bothers me about that is he had the  
19 opportunity and that's when I warned Mr. Miedel against  
20 walking into -- of saying I don't want to go back to Mexico  
21 because I'm going to get killed, but he didn't say anything to  
22 that.

23 MR. MIEDEL: Contrary to the --

24 THE COURT: I agree. I'm not going to allow it.

25 (End of sidebar conference.) (Continued on next page.)

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1 (In open court; jury present.)

2 BY MS. REID:

3 Q Mr. Avila, why are you testifying here today?

4 A Because I also wanted for it to be known that  
5 relationships and the role that the gentleman was playing for  
6 the cartel because the cartel doesn't function without the  
7 government's help.

8 Q And what gentleman are you discussing?

9 A Mr. Garcia Luna.

10 MS. REID: No further questions.

11 THE COURT: All right.

12 Nothing, right?

13 MR. MIEDEL: Nothing.

14 THE COURT: All right. Let's have the witness taken  
15 out, please.

16 (The witness steps down.)

17 THE COURT: The government's next witness.

18 MR. PILMAR: Your Honor, the government calls  
19 Harold Mauricio Poveda Ortega.

20 THE COURT: Okay.

21 (Witness sworn.)

22 THE COURT: Please state your name for the record.

23 THE WITNESS: Harold Mauricio Poveda Ortega.

24 THE COURT: Spell it, please.

25 THE WITNESS: H-A-R-O-L-D, M-A-U-R-I-C-I-O,

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1 P-O-V-E-D-A., O-R-T-E-G-A.

2 THE COURT: All right. Please be seated.

3 MR. PILMAR: May I inquire?

4 THE COURT: You may.

5 MR. PILMAR: Thank you, Your Honor.

6 **HAROLD MAURICIO POVEDA ORTEGA,**

7 called as a witness, having been first duly

8 sworn/affirmed, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PILMAR:

11 Q Good morning.

12 A Good morning.

13 Q How old are you?

14 A Forty-nine.

15 Q Where were you born?

16 A I was born in Tuluá, Valle, Colombia.

17 Q Are you familiar with the Sinaloa Cartel?

18 A Yes, sir.

19 Q Who were the leaders of the Sinaloa Cartel?

20 A Chapo Guzman, Mayo Zambada, Arturo Beltran,

21 Nacho Coronel, Azul Esparragoza.

22 Q Did you have a relationship with the Sinaloa Cartel?

23 A Yes, sir.

24 Q What was that relationship?

25 A My relationship with the Sinaloa Cartel was to get

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1 cocaine loads from Colombia to Mexico.

2 Q Approximately, what years did you work with the cartel?

3 A I started working with the Sinaloa cartel in the  
4 beginning of 2000.

5 Q Until when?

6 A Until 2009 when Arturo Beltran Leyva dies.

7 Q At some point, were you arrested in Mexico?

8 A Yes.

9 Q And when was that?

10 A I was arrested in Mexico on November 4, 2010, around four  
11 p.m., and I was taken before the authorities on November 5 in  
12 the morning hours, and also in front of the media.

13 Q I'll come back to that. When you worked with the cartel,  
14 were you based in Colombia or Mexico?

15 A Mexico.

16 Q Who was the person in the cartel that you worked most  
17 closely with?

18 A Arturo Beltran Leyva.

19 Q In total, how much cocaine did you arrange to be brought  
20 from Colombia to Mexico?

21 A A lot.

22 Q Do you have an estimate?

23 A Well, I pled guilty with the American Government over  
24 one-million kilos.

25 Q One-million kilos of what?

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1 A Cocaine.

2 Q Where did that cocaine go after it got from Colombia to  
3 Mexico?

4 A Here to the United States.

5 Q Were there any specific cities that the cartel focused on  
6 sending it's cocaine when it came to the United States?

7 A Yes, New York, Chicago, Los Angeles and that.

8 Q I want to back up for a second. What's your education  
9 level?

10 A I studied all the way to high school.

11 Q And you said you were based in Mexico when you worked  
12 with the cartel. So at some point, did you move from Colombia  
13 to Mexico?

14 A Yes.

15 Q About how old were you when that happened?

16 A I was 18 going on 19 when I got to Mexico.

17 Q At some point, did you start selling cocaine in Mexico?

18 A Yes, I started selling cocaine but not in large  
19 quantities.

20 Q At some point, did you start selling larger quantities?

21 A Yes, well, as long as I started meeting new people there  
22 was a higher demand, I had more customers and I started  
23 growing my sales.

24 Q What were the size of the shipments you began doing at  
25 that point when you began growing your sales?



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1 A When I started growing, they started to send me  
2 quantities of 100 to 200 kilos, up to 1,000 kilos.

3 Q At this point, were you working for a cartel or were you  
4 working independently?

5 A No, I worked independently.

6 Q In the entire amount of time when you were working by  
7 yourself prior to working with the Sinaloa Cartel, how much  
8 money did you make from selling cocaine?

9 A I earned around 10 -- 10 million to 15. I don't  
10 remember.

11 Q Is that in US dollars or in pesos?

12 A No, in dollars.

13 Q How did you begin working with the Sinaloa Cartel?

14 A I started working for the Sinaloa Cartel because I was  
15 independent -- independent at that time and then  
16 Arturo Beltran Leyva realized that I was working  
17 independently, that it was just me by myself. So he orders me  
18 killed at that time. I'm being looked for so they can kill  
19 me.

20 Q Why did Arturo Beltran want to kill you?

21 A Because I was working independently and I was also  
22 bringing down cocaine on fast boats to the coast of  
23 Acapulco Guerrero.

24 Q Was that a problem for Arturo Beltran Leyva that you were  
25 bringing those fast boats?

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1 A Yes, because he was the one who controlled that plaza in  
2 Acapulco and had control over that entire coast from Huatulco  
3 to Ixtapa to Zihuatanejo, practically.

4 Q Had you sought his permission to bring your fast boats  
5 into that area?

6 A No, I didn't -- I didn't have the contacts to approach  
7 him, but I did know that he controlled the area, we still did  
8 it several times and then he realize we were doing it.

9 Q So how did you avoid being killed by Arturo Beltran?

10 A I contacted a friend that I knew who was close -- was  
11 close to Mayo Zambada and I explained the situation to him. I  
12 told him Arturo is going to kill me. So I wanted him to help  
13 me with Mayo so we could solve this situation.

14 Q How did you solve the situation?

15 A My friend spoke to Mayo and explained the situation to  
16 him that I was asking for this favor. So Mayo authorized for  
17 me to attend a meeting. We go to the meeting with Mayo.  
18 While I was there with Mayo, Hector Beltran was there, as  
19 well. I explained this to Mayo and he was -- you know, he had  
20 a really good vibe, we were on very good terms. Hector was  
21 upset. You could see how angry he was.

22 At the meeting, I told Mayo that I wanted to report  
23 the work that I was doing that if he gave me a chance, I had  
24 these cargos, these shipments coming in, and that if he wanted  
25 to, I could send those shipments to him.

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1 Q So did you begin working for Mario Pineda Villa?

2 A Yes, that's when I started working with Mayo Zambada, and  
3 by that very same day, we started talking about some  
4 shipments, some business, some deals that were coming in,  
5 fishing boats.

6 MR. PILMAR: I'd like to show the witness what's  
7 already in evidence as Government Exhibit 5.

8 Q Do you see a photograph on your screen?

9 A Yes.

10 Q Who is that?

11 A That's Mayo Zambada.

12 Q Did you begin doing shipments for Mayo after this  
13 meeting?

14 A Yes, we started sending him ships with 9 tons of cocaine.

15 Q How long did you do shipments with Mayo Zambada for?

16 A It was about maybe a year because then I left. I asked  
17 Mayo for a favor. I was still scared of Hector, I was scared  
18 he would hurt me, so I asked Mayo as a favor if I could go to  
19 Colombia and he helped me go to Colombia so I could work from  
20 Colombia and send -- and continue to send him things.

21 Q Can you remind us who Hector is?

22 A He was -- Hector Beltran, AKA Elegante, he was the  
23 brother -- I don't know, younger, he was younger than Arturo.  
24 He was his trusted brother. There were three of them, Arturo,  
25 Hector, and Alfredo.

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1 Q How did Mayo Zambada help you get from Mexico to  
2 Colombia?

3 A Well, we had a meeting at one of Mayo offices and we  
4 coordinated it. In fact, he called his brother, Rey Zambada  
5 and he asked Rey to send me to Colombia to make sure that  
6 nothing happened to me, and that's how it happened. In fact,  
7 Rey, you know, bought the tickets for us, he came -- he  
8 brought me to the airport, I didn't have to go through  
9 Immigration, it was wonderful. I went straight into the  
10 plane, I had absolutely no problems there.

11 MR. PILMAR: I'd like to show the witness what's  
12 already in evidence as Government Exhibit 13.

13 Q Do you recognize this person?

14 A Yes, it's Rey Zambada.

15 Q And that's the person you were just talking about who  
16 helped you get from Colombia to Mexico?

17 A Yes.

18 Q Did you have any problems at the airport when you went  
19 from Colombia to Mexico?

20 A No, none at all. No, none at all. It was, like, the  
21 only time I had been able to go through without going through  
22 Immigration or doing any kind of paperwork or documentation  
23 with the authorities.

24 Q And who helped you by-pass all of that?

25 A He recommended some police agents to me and they were the

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1 ones who led the way and they got me on the plane.

2 Q Who recommended the police agents to you?

3 A Rey. Rey did. Rey took me to the airport and he  
4 delivered me to the police officers. The police helped me  
5 with a small bag that I had and they escorted me all the way  
6 there to the gate to the plane.

7 Q And to be clear, was this at the Mexico City Airport?

8 A Yes, at the Mexico City Airport.

9 Q Where were you going from the Mexico City Airport to?

10 A I was going to Bogotá, Colombia.

11 Q When you bypassed customs and all of that, was that at  
12 the Mexico City Airport?

13 A Yes, we're talking about the Mexico City Airport.

14 Q How did you -- sorry, withdrawn. Is there a time when  
15 you came back to Mexico?

16 A Yes. Yes, I worked about a year for Mayo, I kept sending  
17 him several ships loaded with about 9 to 10,000 kilos of  
18 cocaine.

19 Q But how did you come back to Mexico?

20 A I returned because in Colombia, a war also broke out  
21 between Varela and Diego Montoya. And Varela was going to  
22 kill me in Colombia. I called Mayo and I said that I wanted  
23 to return to Mexico and I asked him if there was a possibility  
24 that I could be received there the same way that I left.

25 Q When you got back to Mexico, did you repair the situation

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1 with Arturo Beltran?

2 A Yes. After I returned from Colombia and Mayo received me  
3 at the airport the same way that he had sent me off to  
4 Colombia, I had a meeting with Arturo Beltran.

5 Q What happened at that meeting?

6 A At that meeting, I spoke to Arturo and he said not to  
7 worry that I can be -- rest easy, there would be no problems.  
8 And he asked me why didn't I, also, send him shipments of  
9 cocaine to him. He said he had some money to invest.

10 Q So did you begin doing shipments with him as well?

11 A Yes, that's how I started working with Arturo, with him,  
12 I send him boats, fast boats and these were loaded with  
13 between two and two and a half tons of cocaine.

14 MR. PILMAR: I'd like to show the witness what's  
15 already in evidence as Government Exhibit 6.

16 Q Do you recognize this person?

17 A Yes, he's my uncle, Arturo Beltran.

18 Q You said uncle. Do you actually have a blood  
19 relationship?

20 A No, no, no, not at all. But, you know, as a term of  
21 endearment, I would call him uncle.

22 Q So you said he wanted to kill you earlier, now you're  
23 saying -- calling him uncle. So did the relationship change  
24 over time?

25 A Yes, of course. After we had started working together,

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1 the relationship became a father and son relationship.

2 Q How often did you see Arturo Beltran?

3 A Well, Arturo Beltran, I see three, four times per week.

4 Q Where, generally, would you see him?

5 A Well, at his safe houses, he had several offices in  
6 Mexico City. And I will then, you know, go to whatever he  
7 would tell me to go, he would give me the code for the safe  
8 house or the office. He would say I'm on the southern  
9 section, I'm at -- because Arturo had a lot of offices all  
10 over Mexico City.

11 Q Over time, did you learn about Arturo Beltran's work with  
12 other members of the cartel?

13 A Yes, of course, always. Once I left, Mayo I and started  
14 doing loads, like businesses, like, very large, like, cocaine  
15 loads. That's what Arturo would get, Nacho Coronel,  
16 Mayo Zambada and Chapo Guzman invest in those loads, those  
17 were usually larger loads.

18 Q What does it mean to invest in a load?

19 A To invest in a load means to contribute money, a quantity  
20 that is agreed upon for, let's say 1,000 kilos of cocaine or  
21 500 kilos of cocaine, how do they call that in Mexico, they  
22 call it, like, a pool of money.

23 Q So if I'm understanding correctly, different members of  
24 the cartel have different amounts of cocaine in bigger  
25 shipments?

1 A Yes, that's correct. So, Arturo would tell Mayo well,  
2 send me some for 500 kilos, or he would tell Chapo, well, send  
3 me some for 1,000 kilos, and that's how he would have everyone  
4 participate.

5 Q At this time when you started working for Arturo Beltran,  
6 how is the relationship between Arturo Beltran and Chapo and  
7 Mayo?

8 A Well, it was excellent. It was quite a unique union.  
9 They would help each other, they would do favors for each  
10 other, they would invite each other to meetings. It was  
11 wonderful.

12 Q What was your role, specifically, in these shipments of  
13 cocaine from Colombia to Mexico?

14 A Well, my role was, like, to liaise between the top  
15 Colombian narcos with the top Mexican narcos. So I was sort  
16 of conditioned to speak to the Colombians and I would tell  
17 them, hey, why don't you invest, like, on a 5-ton load, and  
18 then they would ask the others to invest another 5 tons, and  
19 that's how we would prepare the large loads.

20 (Continued on the following page.)

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Poveda-Ortega - direct - Pilmar

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1 DIRECT EXAMINATION

2 BY MR. PILMAR: (Continuing)

3 Q How often would you do these shipments with Arturo  
4 Beltran and other members of the cartel?

5 A Well, we worked a lot. If we didn't do it by ship, we  
6 would then do it by fast boats. If not by fast boats, then by  
7 containers. If not by containers, then through the airports.

8 It was always we were looking for where to work,  
9 when, and we always did. We were producing a lot.

10 MR. PILMAR: Your Honor, I think this is a good  
11 point for a break, if that's okay.

12 THE COURT: I hope we're not on a Chicago schedule.  
13 In Chicago, they always eat between 12 and 1:00, whereas, in  
14 New York, they eat between 1:00 and 2:00. But that's okay.

15 Everyone want a break for lunch?

16 JURORS: Yes.

17 THE COURT: Okay. Everyone come back here at 1:30,  
18 please. Don't talk about the case.

19 (Jury exits the courtroom.)

20 THE COURT: I want to see the attorneys at sidebar  
21 for just a minute.

22 Everyone else, we are in recess.

23 (Sidebar.)

24 (Continued on next page.)

25

Sidebar

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1 (The following occurred at sidebar.)

2 THE COURT: Is this the witness where I'm currently  
3 contemplating a 11(c)(1)(C)?

4 MS. KOMATIREDDY: No, no. He may have had plastic  
5 surgery, but it's not that one.

6 Judge, I will just -- I don't have a specific ask  
7 yet, but on the issue that we discussed earlier as a group, I  
8 think our -- the missing piece for the previous witness is  
9 that we know that he is testifying under a pseudonym and the  
10 jury doesn't know that and that could explain the puzzle of  
11 why he thinks he can go back, thought he could go back, wants  
12 to still go back but is still afraid today because the  
13 testimony is so detailed, we have to wait and see the fallout  
14 is.

15 THE COURT: I was surprised you didn't bring it out  
16 on direct. That is where we should have had the argument  
17 about it.

18 MS. KOMATIREDDY: Okay.

19 THE COURT: Once he said I'm coming back out of the  
20 goodness of my heart, and on cross as well, I also want to be  
21 able to stay in this country, that pretty much is a complete  
22 picture. I mean, it's not the fully accurate picture, but  
23 there's no gaps in the story.

24 MS. KOMATIREDDY: I understand. I think what we  
25 were struggling with, and we will seek to bring this out

1 through other witnesses, is there is a misleading -- there is  
2 currently a misleading impression to the jury that the  
3 Government is offering free citizenship to these people just  
4 because they are testifying and really where the driving  
5 concern about -- for those without S visas calculated into the  
6 cooperation agreements, the others, like the witness who was  
7 just on the stand before him, the driving concern is safety  
8 and it's a dynamic concern. And, so, we need to be able in  
9 some way bring that out. And we'll work on where we do that,  
10 but we're hoping to be able to bring that out at some point.

11 THE COURT: Okay. I think about an instruction and  
12 think about the prejudicial impact. I mean, if you can't tie  
13 the defendant to the safety concerns directly, I don't want  
14 the jury inferring that this is the defendant manipulating  
15 things to get witnesses killed. That would be worse than the  
16 impression you're trying to correct now.

17 MS. KOMATIREDDY: I agree, and that's why we were  
18 okay with not telling the jury that -- we understood the  
19 reason to not tell the jury that he is testifying under a  
20 pseudonym, but I think what would makes sense is to say that  
21 there's been plenty of testimony that the Sinaloa Cartel is  
22 dangerous, and kills and kidnaps traitors.

23 I think it should be noted that, you know, that this  
24 country offers asylum or other types of immigration benefits  
25 where deporting someone would put their life in danger.

Sidebar

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1 THE COURT: As long as there is an instruction that  
2 says the Government has no evidence that the defendant has had  
3 any involvement in any such efforts, then I might do something  
4 like that.

5 MS. KOMATIREDDY: I'll think about it. Thank you,  
6 Your Honor.

7 MR. PILMAR: And, I'm sorry, Your Honor, I thought  
8 you wanted to break for lunch at 12:30.

9 THE COURT: Everybody seems to think that. I'm here  
10 at your disposale. Whenever is convenient for everyone, then  
11 we'll break.

12 MS. KOMATIREDDY: Thank you.

13 MR. PILMAR: I'm happy to do whatever the Court  
14 wants.

15 THE COURT: I'm happy to do whatever you want.

16 (End of sidebar conference.)

17 (Continued on next page.)  
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1 (Lunch recess.)

2

3 A F T E R N O O N S E S S I O N

4

5 (In open court; jury not present.)

6 (Defendant present.)

7 THE COURT: The jury is lining up now. We can stay  
8 standing. What happened was because, as you can see, we have  
9 been locating personnel today, everyone got the message that  
10 we were going to break for lunch until one, because that's  
11 when juries around here normally break. So, their food wasn't  
12 here and we had to take a little bit longer. That's what  
13 happened.

14 (Jury enters.)

15 THE COURT: All right, everyone, be seated.

16 Ladies and gentlemen, I'm sorry lunch was a little  
17 late. We just had some adjustments to make, but I take it  
18 you're all well fed and ready to go.

19 THE JURY: Yes.

20 THE COURT: Mr. Pilmar, please continue.

21 MR. PILMAR: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 MR. PILMAR: (Continuing.)

24 Q Good afternoon.

25 A Good afternoon.

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1 Q Before the lunch break, we were discussing cocaine  
2 shipments that you did with Arturo Beltran.

3 Do you remember that?

4 A Yes, sir.

5 Q I believe you listed several different types of methods  
6 that you did those shipments on?

7 A That's right.

8 Q I want to just take a couple of those types of methods as  
9 examples to show the jury the size of those shipments.

10 Did you ever do shipments with submarines?

11 A Many times.

12 Q About how many kilograms of cocaine would typically be on  
13 a submarine shipment?

14 A We would send between five point -- 5,500 to 7,000 kilos  
15 of cocaine.

16 Q And before the lunch break you also talked about go-fast  
17 boats.

18 A That's correct.

19 Q About how many kilograms of cocaine would typically be on  
20 a go-fast boat?

21 A Well, in my case, I worked with go-fast that had 1,200  
22 kilos, and then also go-fasts that held 2500 kilos of cocaine.

23 Q Were large shipments of cocaine ever seized by law  
24 enforcement?

25 A Yes. In my case, we had some seizures of shipments along

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1 the coast -- off the coast of Panama.

2 Q Can you tell us about those?

3 A We -- these shipments that we did were on boats,  
4 liners -- merchant ships, commercial ships. So when they were  
5 done with these merchant boats, the boat would follow on its  
6 route and then go-fasts would leave from Colombia, they would  
7 meet up with the boat, and that's how the cocaine would be  
8 loaded onto the boat.

9 Because the boats could never stop because they had  
10 to continue on their route, so the operation of meeting up  
11 with it had to be quick. And so size could be sizable. You  
12 could load large amounts of cocaine onto these boats.

13 Q Why couldn't the boats stop?

14 A Because these boats, these merchant boats had a route to  
15 follow and they were being tracked, so they couldn't stop --  
16 well, they would stop in case something went wrong, in case  
17 they were damaged, but they could not ever stop. They had to  
18 keep moving.

19 Q How did the cocaine get loaded on the boat if the boat  
20 was still moving?

21 A The way we did it was that the cranes from on the boat  
22 would be lowered, they would lower their cranes. The sacks of  
23 cocaine, that's how it would be packed, it would be packed in  
24 sacks. It would be tied onto the cranes. Then they would be  
25 loaded onto boat and as each go-fast unloaded, another one

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1 would pull up and the process would start again until the  
2 entire shipment had been loaded.

3 Q So you would have to use multiple go-fast boats to load  
4 the bigger boat?

5 A Yes, of course, used a lot of go-gasts.

6 Q You mentioned that there were seizures near Panama.

7 Do you recall any large seizures near Panama around  
8 2007?

9 A Yes, that was a shipment on a merchant boat, and it was a  
10 14-ton shipment.

11 Q Do you recall any others around that time?

12 A Yes. Well, after we lost the 14 tons, we sent another  
13 one out to sort of recoup our losses, but that was also  
14 seized. That was about 7,000, 7,000 tons.

15 Q These seizures off the coast of Panama, do you have an  
16 understanding of which country's law enforcement seized these  
17 shipments?

18 A Yes, of course, those shipments were seized by U.S.  
19 authorities.

20 Q When Arturo Beltran Leyva sent drugs from Colombia to  
21 Mexico, how much profit did you personally make?

22 A Well, it really was according to the amounts of cocaine.  
23 So my profit -- my profit would be a percentage because  
24 investment-wise I invested very little. I did not make large  
25 investments.



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1 Q So let's take, hypothetically, a 10,000 kilogram shipment  
2 or 10 tons, how much money would you personally make from  
3 being involved in that kind of deal?

4 A In a 10-ton deal, I would make between 3 and \$4 million.

5 Q And you would do deals like this very often; right?

6 A Yes, of course.

7 Q So let's take that same 10-ton shipment as a  
8 hypothetical.

9 How much would Arturo Beltran make on a shipment of  
10 that size?

11 A Oh, well, Arturo would make a lot more. He would make  
12 between 60 and 70 million.

13 Q Is that in U.S. dollars?

14 A Millions of dollars, yes.

15 Q Sorry, was that in United States currency?

16 A Yes, yes, yes, U.S.

17 Q What did you do with all the money you made?

18 A Well, I spent it on houses on a plane. I had my own  
19 plane. Yachts. Small planes, helicopters, houses. I built  
20 some nice houses for myself. Women, jewelry.

21 Q Did you have animals as well?

22 A Yes, many, many.

23 Q What kind of animals did you have?

24 A Well, I had horses. I had about 150 to 200 horses on my  
25 ranch. I had giraffes, lions, panthers, tigers, and

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1 hippopotami, pumas, kangaroos. It was almost like I had a  
2 zoo.

3 Q How many houses did you have?

4 A Well, I had houses in Mexico City. I had several houses  
5 there. I had some in Cuernavaca, Acapulco, Cancun, Playa del  
6 Carmen, Guadalajara.

7 I also had apartments, over -- I had easily over 20  
8 to 30 pieces of property.

9 Q Did you typically buy houses in your own name or in  
10 someone else's name?

11 A No, I never bought -- I never even bought a bike in my  
12 own name.

13 Q Why not?

14 A Because I knew that if the time ever came when I was  
15 arrested or I was -- got into some sort of trouble, the  
16 Government would come and take that from me.

17 Q Have you participated in violence?

18 A Yes, of course. People who are involved in drug  
19 trafficking, well, everybody is involved in one way or another  
20 in that violence. Obviously, some people are more involved  
21 than others, but, yes.

22 Q But did you order people to be killed?

23 A Well, yes. Personally I never hurt anybody, but I did  
24 ask others to do favors for me to do that.

25 Q Which resulted in a death?

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1 A Yes, yes, obviously the favor that --

2 THE INTERPRETER: Interpreter correction.

3 A -- the favor that I would ask for would be for the person  
4 to kill the person I mentioned.

5 Q Did any of those murders have anything to do with your  
6 personal life as opposed to with the cartel?

7 A Yes. There were two murders that happened in Acapulco,  
8 of some of the Varela workers who wanted to kill me, and so I  
9 spoke with Arturo Beltran and I told him that those people  
10 were there and that they were after me.

11 Q Did the Sinaloa Cartel use violence?

12 A A great deal.

13 Q Did Arturo Beltran use violence as well?

14 A A very great deal.

15 Q When were you arrested?

16 A I was arrested on November 4th, 2010, but I was turned  
17 over to the authorities and the press on November 5th, 2010.

18 Q Was this in Mexico?

19 A Yes. I was arrested in a restaurant near Ajusco in  
20 Mexico City.

21 Q Who arrested you?

22 A I was arrested by the federal police.

23 Q You said you were arrested on November 4th, but not  
24 turned over until November 5th.

25 Can you explain what you mean by that?

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1 A Yes, of course. So, after I was arrested, which was  
2 around 4 or so in the afternoon, the federal agents, the  
3 federal police officers, who weren't -- were addressed in  
4 civilian clothes, so at the time of my arrest they said to me:  
5 Are you fucking Conejo? You are really fucked.

6 Q I'm sorry, who is Conejo?

7 A Me.

8 Q Is that your nickname?

9 A Conejo.

10 Q Sorry, keep going.

11 A I was put into a car. They started beating me up. I was  
12 taken to a safehouse and my eyes were covered. They used a  
13 female sanitary pad to cover my eyes. I was taken, I don't  
14 know, to a safehouse. Well, it was a house.

15 Then they started asking me where my money was and  
16 how much my freedom would cost and how much would I be willing  
17 to pay if they let me go.

18 So I said: Yes, I can try to get money so you can  
19 let me go. Then they started putting mineral water up my  
20 nose, covering my mouth. Where's the money? Where did I  
21 live? They also put a plastic bag on me, you know, to  
22 suffocate me. They took my clothes off. They splashed cold  
23 water on me. They used electric shocks on me until I couldn't  
24 take it anymore, and then I was -- I had to tell them, yes. I  
25 had to tell them the houses where I lived.

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1           After that, they let me relax a bit. They'd take  
2 the blindfold off of my eyes. They said: Look, you son of a  
3 bitch, you're not going to look around and see anything but  
4 the computer. They put on a laptop with Google Maps on it and  
5 they told me to tell them which ones are my residences. And  
6 then I gave them two addresses, and then they called over the  
7 radio. They were in communication with other agents to go  
8 over there to loot and to rob the houses at the addresses that  
9 I gave them.

10 Q Did you pay them money?

11 A No.

12 Q Why not?

13 A Because I already gave them the addresses of those houses  
14 and there was money there. Not a lot. I had about 50 to  
15 \$60,000. And I had jewelry, but that never showed up later.

16 Q So why didn't they release you?

17 A No, then they bandaged --

18           THE INTERPRETER: Interpreter correction.

19 A No, then they blindfolded me again. And then they took  
20 me -- well, they told me to touch my face. And then they made  
21 me touch things and they asked me what it was that I was  
22 touching. And they made me touch things and tell them what I  
23 was touching. And I was touching bullets and a magazine and a  
24 long gun. It felt like AK-47s or maybe it was an AR-15. They  
25 made me touch a kilo of cocaine.

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1 Q Was that actually your gun, your bullets, or your drugs?

2 A No, sir. I was never armed. I'm not one to go around  
3 armed. That day I was with a girlfriend of mine. We were  
4 eating strawberries and cream at a restaurant. I wasn't going  
5 around -- I didn't have any weapons. I wasn't gonna go around  
6 carrying a kilo on me while I was shipping tons out.

7 After that, they make me get dressed. They give me  
8 my clothes. And from there they sent me to an office in the  
9 same -- it's in the same place. They sent me to a room. They  
10 come back and they tell me -- well, they take off my blindfold  
11 and say: All you're gonna look at is the camera. If not,  
12 we're going to beat you more.

13 Q Sorry to interrupt you. What office are you in at this  
14 point?

15 A After they take the blindfold off my eyes, I see it says  
16 federal police: They put me up against the wall with the --  
17 with the -- with the logos of the federal police. They put me  
18 up against the wall and they filmed me with -- with a video  
19 camera. And they said: We're going to ask you some questions  
20 and you're going to answer them right, you son of a bitch.

21 Q What was the first thing they asked you?

22 A The first thing that they asked me was to give my full  
23 name and my nickname. I told them my name is Harold Mauricio  
24 Poueda Ortega, a/k/a Conejo. They asked me a second question:  
25 What do you do?

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1           So I said: I'm a businessman. They said: No, you  
2 son of a bitch, you have to say that you're a drug trafficker.

3 Q     What did they ask you next?

4 A     Well, they asked me the question again and I told them  
5 that I was a drug trafficker, that's what they wanted me to  
6 say. And they asked me: With who, with who do you work?

7           And I said: With Arturo Beltran Leyva.

8           And they came back and they said I had to say that I  
9 worked for El -- for Chapo Guzman.

10 Q     And was that true at that time, you were working for  
11 Chapo Guzman?

12 A     No, I mean I know I knew him, but that wasn't -- that  
13 wasn't true. I think that they wanted me to say that so that  
14 Chapo would think that I was outing him.

15 Q     After all this, did you end up cooperating with the  
16 Mexican authorities?

17 A     Well, after making that video and thinking that they'd  
18 published part of it, I decided to, out of fear, in case that  
19 Chapo would send out to have me killed, to become a protected  
20 witness.

21 Q     What does that mean, to be a protected witness?

22 A     I'm sorry, I forgot something.

23           Can I say it?

24 Q     Of course.

25 A     At the moment that they bring me to the authorities,

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1 November 5th, in front of the authorities and the press at  
2 6:00 in the morning at a federal police place, it was like  
3 a -- like an airport, at the hanger of the federal  
4 preventative police. And when they present me, I remember  
5 that they put me at a table and there was the gun and the  
6 bullets and the kilo that they made me touch.

7 Q So you said you became a protected witness in Mexico.

8 What is that?

9 A Being a protected witness in Mexico is like cooperating  
10 with the Mexican government.

11 Q So you did that, you cooperated with the Mexican  
12 government?

13 A After I went through the tests that they make you take to  
14 become a protected witness, a polygraph test, a lie detector,  
15 and then I passed the tests, and so yes, sir, I became a  
16 protected witness.

17 Q And did you agree to be extradited to the United States?

18 A Yes, I accept the extradition to the United States.

19 Q Around when were you extradited to the United States?

20 A I was extradited to the United States in 2012, at the  
21 beginning of 2012.

22 Q And after your extradition, did you begin cooperating  
23 with the United States government?

24 A That's right.

25 Q Were you truthful?



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1 A Always.

2 Q Did you enter into a cooperation agreement with the  
3 Government?

4 A Yes.

5 Q Did you plead guilty pursuant to a cooperation agreement  
6 on September 18th of 2013?

7 A That's correct.

8 Q Now, when you were brought to the United States, were you  
9 charged with a crime in one district or in multiple districts  
10 throughout the United States?

11 A I had charges in several districts.

12 Q Do you remember how many?

13 A Yes, it was Texas, Washington, and New York, but my  
14 lawyer was able to get them to combine all the cases here in  
15 New York.

16 Q So when you pled guilty in New York, did that resolve all  
17 of your charges in all of the different districts?

18 A Yes.

19 Q What did you plead guilty to?

20 A I pled guilty to drug trafficking of more than one  
21 million kilos.

22 Q One million kilograms of what?

23 A Of cocaine.

24 Q Prior to your plea agreement, what was the minimum  
25 punishment you faced in your New York indictment?

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1 A Before? I didn't understand the question.

2 Q So before you cooperated with the Government, before a  
3 cooperation agreement, what was the minimum amount of time you  
4 faced in the New York indictment?

5 A I was facing minimum -- minimum of 20, maximum of life.

6 Q Was that before you pled guilty or after you pled guilty?

7 A Sorry.

8 I pled guilty to -- and was facing minimum of 20,  
9 maximum of life. Before that, it was life or life.

10 Q Now that you have pled guilty, what is the maximum  
11 punishment you face?

12 A Life.

13 Q Have you been sentenced yet on your case?

14 A Not yet.

15 Q When you were in jail in the United States, did you ever  
16 pay a prison official?

17 A Yes, I gave money to a guard.

18 Q How much did you give to that guard?

19 A No, no, it was just small tips, like five, \$6,000, but at  
20 different times.

21 Q So was that of 5, 6,000 total or 5, 6,000 at a time?

22 A No, no, no, no. It was not at one time. It was 300, one  
23 time 400.

24 Q And why did you do that?

25 A Well, the MDC visits are an hour, but with this guard, he

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1 would let me stay for three hours. And, of course, I would  
2 straighten up, I would straighten up the visitors' area. I  
3 would clean it. I would mop. I would clean the bathrooms.  
4 And, so, at the end then, when I was taken to my -- to my  
5 unit, when I was being searched -- well, to make sure that I  
6 wasn't bringing in anything to my unit, he would ask me if I  
7 could, you know, help him out with like \$3, \$400, and I had it  
8 sent to him, and that's what happened.

9 Q Did you plead guilty to a crime in connection with these  
10 payments to the prison official?

11 A Yes, I pled guilty to bribery.

12 Q Under your cooperation agreement with the Government,  
13 what are you required to do?

14 A The only thing that this agreement requires is for me to  
15 tell the truth about everything I lived through.

16 Q Does it require you to pay any money?

17 A No -- yes, yes. I did have to pay some money according  
18 to the agreement.

19 Q How much did you have to pay?

20 A My lawyer came to an agreement with the U.S. Government  
21 of a million dollars.

22 Q And did you pay that money?

23 A Completely.

24 Q Did you make more than a million dollars as a drug  
25 trafficker?

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1 A Much, much more.

2 Q Under your cooperation agreement, are you also subject to  
3 a fine when you're eventually sentenced?

4 A Yes, according to my cooperation agreement, it says that  
5 when I'm sentenced, I could be fined up to a maximum of \$10  
6 million.

7 Q Under the cooperation agreement, what is it that the  
8 Government may do?

9 A The Government will tell the judge or they'll tell the  
10 judge about the cooperation that I provided, and that's called  
11 the 5K-1, that's what my cooperation is called. And then the  
12 judge will make the final decision at the end.

13 Q Does that mean the judge decides your sentence?

14 A Yes, of course.

15 Q Did the Government or any law enforcement agents promise  
16 you anything about your sentence in exchange for your  
17 testimony?

18 A No: No, nothing. It goes towards my 5K, but have they  
19 promised me anything? No, not at all.

20 Q Are you currently living in prison?

21 A No.

22 Q When were you released on bail?

23 A I was released on bail on the 5th, on June 5th, 2019.

24 Q For about how long did you serve in prison between both  
25 Mexico and the United States?

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1 A I was in prison for a little bit over nine years. To be  
2 exact, 104 months.

3 Q When you began working with Arturo Beltran, did you pay  
4 bribes to Government officials or police directly?

5 A Never.

6 Q Did Arturo Beltran?

7 A Yes, Arturo Beltran -- well, any time we were sorting out  
8 payments, going over accounts, settling accounts, he always  
9 said: Well, with respect to pay my money, you know, you have  
10 to pay 300,000, \$400,000 because we have to pay the  
11 government. He always called it that, "the government."

12 Q Did he tell you specifically who you were paying when you  
13 contributed this money?

14 A Well, but sometimes he would say to me: You have to pay  
15 more. And he would take 600,000, almost 700,000. And he said  
16 these payments, they had to be larger payments because we were  
17 going to be so much better off. He said we were going to be  
18 so much better off, so much better protected, and that he was  
19 doing this, he was collecting this money, this joint  
20 collection of money, to be given to Rey and Rey was the one  
21 who delivered the money.

22 But also, I mean the way I saw it, we were  
23 protected. We were protected by the judicial police, the  
24 state police. We had -- we were protected by the highway  
25 police. We were -- things were really going very well for us.

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1 Everything had been arranged.

2 Q Was the fact that Arturo Beltran paid government  
3 officials important to you?

4 A Well, of course. You know, you could go around with  
5 extreme peace of mind. There would be checkpoints on the  
6 highway, in Mexico City. Sometimes there would be posts where  
7 they would check you for alcohol intake, and all you had to do  
8 would be to call him and then he would make it so that these  
9 people would even apologize for stopping you.

10 Q Were there any people who worked for Arturo Beltran who  
11 were responsible for paying off police?

12 A Yes.

13 Q And who's that?

14 A Those responsible for making payment were Roberto, Grande  
15 M.P., he also made payments.

16 Q How do you know that?

17 A Well, because, as I told you before, the relationship I  
18 had with Arturo was really close. And actually many people  
19 were envious of the relationship I had with him, and so I got  
20 to find out about a lot of things.

21 Q Earlier you mentioned that he would be able to call  
22 checkpoints and they would let you through.

23 Who is the "he" you were referring to?

24 A Arturo. I was always in direct contact with Arturo  
25 Beltran. I was always in contact with him.

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1 Q When you weren't with Arturo Beltran in person, did you  
2 ever talk to him on the phone or radio?

3 A Yes, our communication was daily, every day. It was all  
4 the time. It was always, all the time, even his last day when  
5 he died or when he was killed. I actually think he killed  
6 himself. Two hours before the thing in Cuernavaca when he  
7 died, that was when I spoke with him.

8 Q Were you also present with Arturo Beltran when he would  
9 speak to other people?

10 A Yes, yes, yes, of course. I would always be there  
11 listening, watching what was going on.

12 Q By the way, when Arturo Beltran would speak on the phone,  
13 would he hold it up to his ear or would he use speakerphone?

14 MR. DE CASTRO: Objection.

15 Leading.

16 THE COURT: Not leading. Overruled.

17 A Always on speaker.

18 Q Have you ever heard of an individual named Pequeno?

19 A Yes, of course. He was someone who people spoke about  
20 all the time in the office. Arturo with Grande and M.P.  
21 would.

22 Q Do you know his or her full name?

23 A No, no, I don't know.

24 Q What would you hear being said about him or her in the  
25 office?

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1 A Well, people would talk about this person. Have you seen  
2 this person? Is everything ready? Things like that.

3 Q Did there come a time when a war occurred between the  
4 Beltran Leyva and the Chapo-Mayo factions of the Sinaloa  
5 Cartel?

6 A Yes, that was when -- well, they made sort of a truce  
7 with the Zetas.

8 Q Sorry to interrupt. Who's "they"?

9 A Well, in other words, it was the entire Sinaloa Cartel.  
10 A lot of meetings were held with the Zetas and they came to a  
11 truce and decided that each one was going to respect the  
12 other's territory.

13 And then Chapo, Chapo Guzman several times did not  
14 honor the word that he had -- that he had given. That was  
15 when Arturo complained to Chapo, you -- saying, you know,  
16 things had been agreed upon, it should be respected, we were  
17 all men, we should try to get along.

18 Q And a war broke -- sorry, go ahead. I didn't mean to  
19 interrupt you.

20 A And Chapo didn't like the fact that Arturo had chided him  
21 about this, and that's when the problems started.

22 Q Did you align yourself with Arturo Beltran or with Chapo  
23 and Mayo?

24 A I stayed with Arturo Beltran.

25 Q Did you continue to broker shipments of cocaine from



1 Colombia to Mexico during this war?

2 A Yes, always.

3 Q Was there more violence during the war?

4 A Yes, that's when the violence started. You know, it was  
5 Chapo and Mayo and the Zetas and Arturo. So it was the Zetas  
6 and Arturo against Chapo, Mayo and Nacho Coronel.

7 Q During the war, was there a time that you were almost  
8 arrested in the neighborhood of Desierto de los Leones?

9 A Yes, that was the day I threw a party. It was the  
10 birthday of my girlfriend's.

11 Q And can you describe this house?

12 A Well, it was a very beautiful house. And as I said  
13 before, it was a house I had custom built to the way I liked  
14 it, and I came up with some of my own things. And actually,  
15 afterwards, the press started calling it the fantasy house  
16 whenever they would report about it.

17 (Continued on next page.)

18

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1 BY MR. PILMAR: (Continuing.)

2 Q Who attempted to arrest you?

3 A That time, it was the federal police.

4 Q Had the party already started when the federal police  
5 came?

6 A Yes, the party had already started. It was around one in  
7 the morning and everybody was happy.

8 THE INTERPRETER: Counsel, can the interpreter just  
9 correct the name of the house? It was the Fantasy Mansion.

10 Q How were you able to evade arrest?

11 A One of the ladies there, one of the people that took care  
12 of the house, came up to me and she said, sir, there are a lot  
13 of police at the door and they're saying open up. And, so, at  
14 that time, I said don't open up, and I took off running over  
15 to where the white tigers were. And then when I got down to  
16 where the white tigers were, I started running. I took off  
17 running to -- well, because that area is very mountainous and  
18 there's a lot of vegetation, so I took out off running to find  
19 a way to escape.

20 Q Did anyone escape arrest with you?

21 A Yes. Once people, you know, people who saw me take off  
22 running, they started running after me. It was my cousin  
23 Cesar Garnica, Alejandro, a friend of mine Alejandro, and  
24 Martin.

25 Q You mentioned that you ran past some tigers. Were there

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1 some other zoo-type animals there as well?

2 A Yes, I had tigers, panthers, lions, cockatoos, some  
3 spectacular cockatoos that were on their way to be extinct, I  
4 had a mini chimpanzee and I had a --

5 Q Did you have any domestic animals with you at the house?

6 A Yes, I had one -- one -- one English bulldog whose name  
7 was Bufon, and I had a Persian cat who just was spectacular.  
8 It was white, had blue eyes and a stubby nose. The cat's name  
9 was Perico, which means cocaine in English.

10 Q Sorry, what was the cat's name?

11 A Perico.

12 Q And what does that mean?

13 A It means coke in English.

14 Q I understand.

15 A In Spanish it's Perico, in English -- the hit that you,  
16 you know, you take that's a Perico, that's what we call it.

17 Q What color was this cat?

18 A White, white. It was as white as cocaine.

19 Q How much was the cat worth? Was the cat expensive?

20 A That cat was a Persian cat, 100 percent purebred and at  
21 that time, and we're talking years ago, that cat cost about  
22 \$4,000.00.

23 MR. PILMAR: Your Honor, at this time, with the  
24 consent of the defense, I would like to introduce into  
25 evidence Government Exhibit 436. It's a short video with no

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1 sound and I ask it to be published to the jury.

2 THE COURT: That is received.

3 (Government's Exhibit 436 received in evidence.)

4 THE COURT: Let's just make sure we can get on the  
5 right inputs. Looks good.

6 (Exhibit published.)

7 MR. PILMAR: And if it's okay with the Court's  
8 Deputy, I ask if we can dim the lights to make it a little bit  
9 easier.

10 For the record, I would like to play just from a  
11 minute to 1:30 to start, but I ask that we wait to play it  
12 until the lights are dimmed. Thank you so much.

13 So one minute to 1:30. Thank you. Sorry, starting  
14 at zero -- I apologize, that was my mistake, 0:00 to 1:30.  
15 Thank you. I apologize.

16 Q What are we looking at here as we watch this video?

17 A That's my house.

18 Q The one we were just --

19 A My panthers. It was my house.

20 Q Is this the one we were just talking about where the raid  
21 occurred?

22 A That's the -- yeah, that's the -- where they had the  
23 operation against me and Rey -- Rey is the one that hurt me.  
24 That was Lucas. That's the door that the federal agents  
25 couldn't open that day. That is the housekeeper's house --

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1 the guards --

2 THE INTERPRETER: Interpreter correction, that's the  
3 guard house of the person who took care of the house.

4 A Those are the gardens, that's Apollo.

5 MR. PILMAR: Now, can we fast forward --

6 A That's the wood that I had etched and that's the pool  
7 that I had every piece by piece, I made kind of a reef in it.  
8 That house has spectacular views, you could see all of  
9 Mexico City from the master bedroom.

10 MR. PILMAR: Can we skip forward from the two-minute  
11 mark and play forward to the 2:50 mark.

12 A There's a -- there's the pool there, the jacuzzi, that  
13 gazebo that I had made in Hindu style, there's the door there.  
14 All that is -- all that was made by hand, all that there at  
15 the house.

16 MR. PILMAR: We can stop it now.

17 A And that's a disco pool that I made that I called  
18 The Grado. You would get in there with your underwear and I  
19 made stalactite, and on the roof there was a glass window  
20 where you could see the white tigers above.

21 Q Were any of your workers arrested in this raid?

22 A During that raid, my father, cousins, and workers were  
23 arrested.

24 Q Did you attempt to make any payments to try to get any of  
25 your workers released?

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1 A Yes, that operation was run by Victor Garay and Ballardo.  
2 And they told the guys that if they paid them 500,000 dollars,  
3 that there was an agreement for them to be released.

4 THE INTERPRETER: Interpreter needs to clarify,  
5 Your Honor, if I may.

6 A And there was a condition that that money had to be put  
7 into the trunk of a car and be left on a street in the  
8 neighborhood, Bosque De Las Lomas in Mexico City.

9 Q Who was the money supposed to go to?

10 THE INTERPRETER: Interpreter again needs to  
11 clarify, Your Honor.

12 A Yeah, that money, those people Victor Garay and Ballardo,  
13 they had my workers La Gorda and Gaviota pick up that money  
14 and they took it.

15 Q What was your understanding of who Victor Garay and  
16 Ballardo were?

17 A Those were the people that were -- that were running that  
18 operation and that money was stolen and they -- in addition to  
19 that, they stole almost everything out of the house.

20 Q So were your workers released after you made that  
21 payment?

22 A No.

23 Q Where did you go after you escaped arrest?

24 A Well, when I escaped, I started calling Arturo -- well, I  
25 was crossing all over these mountains that were in this area,

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1 and I called Arturo and I told him that the federal agents had  
2 come down on me, that there was this operation, that I didn't  
3 know what was happening, and Arturo said, no, that's that son  
4 of a bitch Rey, that bastard is the one that's putting the  
5 feds on us everywhere.

6 Q And who is Rey?

7 A Rey Zambada, Mayo's brother.

8 Q So you believed he was responsible for causing the police  
9 to raid your home?

10 A 100 percent.

11 Q After your house was raided by the federal police, did  
12 you and Arturo Beltran conduct any retaliation?

13 A Yes, after Arturo has other police officers come pick me  
14 up, I think they were with the judicial police, they took me  
15 to a safe house.

16 MR. MIEDEL: Judge, can we have a quick sidebar?

17 THE COURT: Yeah. Why don't we take our afternoon  
18 break, ladies and gentlemen. Please come back at 3:35. Don't  
19 talk about the case. See you in a few minutes.

20 THE COURTROOM DEPUTY: All rise.

21 (Jury exits the courtroom.)

22 THE COURT: Let's have the witness out, please.

23 (The witness steps down.)

24 THE COURT: Everyone be seated.

25 Mr. Miedel.

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1 MS. DIOUF: Sorry, Judge, it looked like one of the  
2 jurors was trying to get your attention.

3 THE COURT: To go to the bathroom?

4 MR. MIEDEL: I think so.

5 THE COURT: Thank you for doing that. We'll be back  
6 in 15 minutes.

7 (A recess was taken.)

8 THE COURT: We're just lining up the jury.

9 (Jury enters the courtroom.)

10 THE COURT: Everyone be seated. You can continue,  
11 Mr. Pilmar.

12 MR. PILMAR: Thank you, Your Honor.

13 BY MR. PILMAR:

14 Q Before the break, we were talking about retaliation  
15 because of the raid on your house; do you remember that?

16 A Yes, sir.

17 Q Who did you and Arturo Beltran retaliate against?

18 A Well, at the time, we retaliated first against Rey,  
19 Mayo Zambada, Arturo also said, you know, that God damn  
20 federal police, you know, we've given them a lot of money and  
21 for them to do these fucking things to us, it's just not  
22 right. Didn't think that was right.

23 Q How did you retaliate against Rey Zambada?

24 A Well, we started conducting surveillance against him and  
25 then Arturo and his people. And I'll tell you, again, I was



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1 responsible for producing money which came from bringing in as  
2 much cocaine as possible for Arturo. So then Arturo and his  
3 people started trying to find a way to get to Rey to pay him  
4 back, as we say give him his just dess, and then exactly eight  
5 or ten days later, an operation was carried out against Rey  
6 and we were able -- well, they were able to capture him.

7 Q And who is they?

8 A So it was Arturo's people with other police officers, but  
9 not -- like I said, I don't know what other police group it  
10 was, but it wasn't the federal police.

11 Q Are you aware of who from Arturo's people was at the  
12 Rey Zambada retaliation?

13 A Well, a lot of his body guards, a good number of Arturo's  
14 body guards, there was one though who I would talk to a lot,  
15 who I would see a lot and that was Grande, he was responsible  
16 for it.

17 Q Did you pay any money in furtherance of this raid?

18 A Yes. After Rey was arrested and was in the hands of the  
19 authorities, Arturo call me on a radio telephone and he asked  
20 me to please send him urgently \$300,000.00 to be able to send  
21 money quickly to the press so that the media would start  
22 reporting on this so that he, Rey Zambada would not be able to  
23 make any arrangements either using money or relying on the  
24 relationships he had at the time.

25 Q Why would paying the press help in that?

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1 A Well, at that point, it -- it was all over the place.

2 Everybody in Mexico knew about it and I guess the DEA had also  
3 found out that he had been arrested so that meant he couldn't  
4 be released or he couldn't make any arrangements.

5 Q Have you ever met the defendant, Genaro Garcia Luna?

6 A Never.

7 Q Did there come a time when you had a conversation with  
8 Arturo Beltran Leyva about him?

9 A Yes.

10 Q Where was this conversation?

11 A I had that conversation in Cuernavaca, Morelos. I  
12 arrived at one of Arturo's houses. Arturo was -- he was  
13 angry, he wasn't acting as he normally did when I would  
14 usually see him. And then the topic came up that  
15 Mr. Garcia Luna was going to be grabbed.

16 Q I want to back up for a second. Do you recall the  
17 precise day this occurred?

18 A No, the date, I -- I don't know that clearly.

19 Q When you went to Arturo Beltran's house that day, did you  
20 go with anyone else?

21 A Yes, I went with Martin. He was one of the guys who had  
22 escaped with me from the house at Bosque De Las Lomas.

23 Q Was this meeting or conversation after that raid that we  
24 just talked about?

25 A Yes.

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1 Q Why do you remember that?

2 A I was with Martin because I was going around with Martin,  
3 Arturo had charged him with going around with me. Martin was  
4 Mexican, he also had money, he had houses, he had workers, so  
5 Arturo put martin in charge since I had become destabilized --  
6 well, some of my workers, my family members had been arrested,  
7 Arturo put me under the care of Martin and I went around with  
8 Martin for a long time.

9 Q So tell us more about this conversation with  
10 Arturo Beltran about the defendant, Genaro Garcia Luna.

11 A So I got to his house, Arturo was angry and he said they  
12 had just grabbed that son of a bitch, Garcia Luna, and he was  
13 going to kill him. He was going to send his head out to -- so  
14 that people would see that nobody could take him for a fool.

15 So then I asked him who he was, because I'll tell  
16 you again, Garcia Luna was not someone who I really had  
17 anything to do with in what I was doing, and Arturo said to  
18 me, well, he's the head of the federal police, he's the one  
19 who has been fucking with us on behalf of Rey Zambada, Chapo,  
20 Mayo, and Rey.

21 And then I said to Arturo, no, how can you think  
22 about killing that guy, God, no, don't even think about doing  
23 that. And I said to him, look, we are going to have problem  
24 after problem, a whole slew of them. The government is going  
25 to come after us full force. You know they're a whole family

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1 just like drug traffickers are a united family.

2 So I said to him, you talk to him, put, you know,  
3 put your cards on the table, make him see, make him understand  
4 what is really going on here and then let's see what happens.

5 Q And you said they had grabbed Genaro Garcia Luna. Who is  
6 they?

7 A Arturo Beltran and his security team.

8 Q Based on the conversations with Arturo Beltran, where did  
9 you understand Arturo Beltran did this?

10 A He told me they were near Cuernavaca somewhere.

11 Q At some point that day, did you leave Arturo Beltran's  
12 house?

13 A Yes, then we talked about some other business matters and  
14 then I left. I must have been with him, I don't know, an hour  
15 tops that day.

16 Q Based on your conversations with Arturo Beltran, did the  
17 situation with Garcia Luna appear to have resolved by the time  
18 you left the house?

19 A No, that's why I left. I could tell he was busy, he was  
20 very involved with his telephones and lots of other things and  
21 I said to him I am leaving, I'll see you another time.

22 Q Did you later have another conversation with  
23 Arturo Beltran about this situation?

24 A Yes. There was this other time that something happened,  
25 and, again, it was an operation and he said to me, no, if we

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1 had killed that son of a bitch, we wouldn't be in this  
2 situation. His tone to me was angry like he was chiding me  
3 and I just lowered my head and I didn't say anything else.

4 MR. PILMAR: May I have a moment, Your Honor?

5 THE COURT: Yes.

6 MR. PILMAR: Nothing further, Your Honor.

7 THE COURT: All right.

8 Cross-examination?

9 MR. DE CASTRO: Yes, Judge, thank you.

10 CROSS EXAMINATION

11 BY MR. DE CASTRO:

12 Q Mr. Poveda-Ortega, I'm just going to ask you some  
13 questions now, okay?

14 A Yes, sir, of course. My pleasure.

15 Q Now, you're given name is Harold Mauricio Poveda-Ortega,  
16 right?

17 A That's right.

18 Q And your nickname is El Conejo?

19 A Yes, sir.

20 Q All your cartel colleagues called you that?

21 A Yes, all of them.

22 Q All your drug contacts called you that?

23 A El Conejo? Yes.

24 Q Even before when you were independent working with  
25 various organizations, everybody knew you as El Conejo?

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1 A Yes, sir.

2 Q And you were various cartels sort of Colombian contact,  
3 right?

4 A Yes, sir.

5 Q You're the ones with the contacts to the Colombia  
6 suppliers?

7 A Yes, sir.

8 Q And you specialized in getting cocaine to Mexico without  
9 getting it seized, right?

10 A No, no, we're not understanding each other there.

11 Q Well, you were really good at your job. Your cocaine  
12 didn't get seized very often, right?

13 A Yeah, there were seizures but we were able to get there  
14 more than was seized.

15 Q All right. So that's why you shipped successfully more  
16 than one-million kilos of cocaine to this country?

17 A Yes, I mean, that's what I pled guilty to, to more than  
18 one-million kilos.

19 Q Probably a lot more than that, isn't it?

20 A Could be, yes.

21 Q And you were very proud of how good you were, right?

22 A We can say so.

23 Q And your nickname, Conejo, that means rabbit in English,  
24 right?

25 A Yes, yes.

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1 Q I don't know how to do that one. As in the Playboy  
2 Bunny, right?

3 A It's along those tracks, yes.

4 Q Well, you had your own brand of cocaine, right?

5 A Yeah, I had a brand, I -- I branded a lot of kilos with  
6 a -- with a bun any and with coke cola brand.

7 Q Right, you would emboss the kilos with sort of the  
8 Playboy Bunny insignia?

9 A Yes, I would have them -- I would have them marked with  
10 that logo, that's right.

11 Q And so that would be so that it would be known that that  
12 was sort of yours, right, your brand?

13 A Yes. I demanded quality so that it would be a cocaine  
14 that wouldn't have any problems in the market.

15 Q So, in the drug trafficking world, you were quite famous?

16 A Yes, I had a lot of fame in the drug trafficking world.

17 Q And I think you told the government over time that you  
18 were very famous for flooding the markets with large amounts  
19 of cocaine?

20 A Yes, the government, I've told everything. And listen to  
21 me clearly, right, everything that they have asked me, if I  
22 knew, I have told them the entire truth.

23 Q I'm sorry, I didn't get that. I wasn't listening  
24 clearly. Can you tell me again?

25 A Could you please repeat the question?

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1 Q It's okay if you've forgotten the question. I've  
2 forgotten your answer.

3 MR. PILMAR: Objection, Your Honor.

4 THE COURT: We can fix all this. We have the  
5 reporter read the question and answer.

6 MR. DE CASTRO: I know. It's okay.

7 THE COURT: Do you want to do that?

8 MR. DE CASTRO: I'm looking for my outline. It's  
9 okay. If I do, I'll ask the reporter. Just one second.

10 Q You were famous for flooding the Mexican market with  
11 cocaine, right?

12 A Yes, that's right.

13 Q You were famous for flooding the United States market  
14 with cocaine, right?

15 A Yes.

16 Q And at times, you were sending containers on ships with  
17 10 to 15 tons of cocaine?

18 A Counselor, I want you to remember that I was a liaison,  
19 the drugs weren't mine, I was a liaison and I want the jury to  
20 know that too that the merchandise wasn't mine. I was a  
21 liaison, so.

22 Q I understand. You were the go-between between different  
23 parties?

24 A Perfect.

25 Q And sometimes 10 to 15 tons of cocaine, you would arrange



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1 for it to be shipped for others?

2 A Yes, sir.

3 Q And when you were doing that as an independent person,  
4 you didn't have to pay law enforcement, right?

5 A When I was independent, I didn't pay a single peso to the  
6 authorities.

7 Q Now, I know you were the go-between but were the ones  
8 that had the Playboy Bunny on them, that was sometimes your --  
9 that was sometimes your cocaine that you were bringing, right?

10 A Since I had -- since it was Arturo and Mayo who invested,  
11 you know, because it was through -- it was their cocaine, it  
12 was the Sinaloa cartel's cocaine, I asked the person who was  
13 preparing the cocaine to do me that favor and brand it.

14 Q Now, since you brought up El Mayo, El Mayo was the one  
15 that helped you escape Mexico to work remotely in Colombia,  
16 right?

17 A Yes, yes, yes, sir, that's what I said at the beginning  
18 of this meeting.

19 Q And that was you were escaping Arturo Beltran Leyva?

20 A That's right, yes, sir.

21 Q Because at that time, he was going to kill you?

22 A Yes, he was going to kill me because I was introducing  
23 drugs without his consent into his territory.

24 Q Because working against him meant you were not with him,  
25 right?

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1 A Yes, sir.

2 Q Anybody not with him could be dead?

3 A Well, if they invaded his territory, I mean, there were  
4 people who worked in other areas who didn't have anything  
5 happen to them, but if they went into his areas, they would  
6 have problems.

7 Q That's right. If you cross him, you're dead?

8 A That's right.

9 Q Now, you also worked with an individual by the name of  
10 Tirso Martinez Sanchez, do you remember that?

11 A I also worked with Tirso.

12 Q And am I right that it was around 1998 to 2003?

13 A Yes, yes, approximately. With dates, I'm not very  
14 precise, but it was adequate -- approximately that.

15 Q And he was no small time drug trafficker, right?

16 A So, no, no, he had his -- he had his things, but it  
17 wasn't, like, Mayo or Arturo or Nacho Coronel. But, yeah, but  
18 he worked and he worked with -- he worked --

19 Q He was like you, Colombian, a Colombian, right?

20 A Tirso?

21 Q Yes. Was he?

22 A No, he's Mexican.

23 Q But he has Colombian contacts, right?

24 A Yeah, he had them, too, he had other Colombian -- other  
25 contacts, obviously. (Continued on the following page.)

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1 CROSS-EXAMINATION

2 BY MR. DE CASTRO: (Continuing)

3 Q And he had established routes and he was shipping lots of  
4 drugs to the United States; right?

5 A Yeah, the route that he had, the route, Tirso's route,  
6 the one that was the most efficient, where he earned a lot of  
7 money, where he helped the cartels out a lot, that route, I  
8 participated a little bit in that route, it was the train  
9 route.

10 Q He probably transported just as many drugs to the United  
11 States as you; right?

12 A I couldn't tell you if it was more or less because I  
13 didn't keep his books, but Tirso did a lot.

14 Q I mean, he was -- withdrawn.

15 You'd agree with me that he was like the leader of  
16 his own organization?

17 A I agree.

18 Q And you made a few million with him as well?

19 A Yes, sir.

20 Q But you stopped working with him because Arturo did not  
21 want you to do that?

22 A No, Arturo -- I mean, there was a time that I worked with  
23 him, but Arturo, basically, I mean, you know, there was  
24 communication every day. We called each other every day and  
25 the relationship turned into one of like father and son.

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1 Q Well, based on your experience working with Mr. Beltran  
2 Leyva, if you started doing side deals with Tirso, what would  
3 he have done to you?

4 MR. PILMAR: Objection to form.

5 THE COURT: Sorry.

6 MR. PILMAR: Objection to form.

7 THE COURT: No, the form is fine.

8 Overruled.

9 A As I said, if I had worked, which I would not have done  
10 and I didn't, after I had started with Arturo, I think I would  
11 have had problems.

12 Q Now, just rewinding for a second, I forgot to ask you.  
13 After you fled Mexico, you obviously came back and started  
14 working with Arturo; right?

15 A Yes, but it didn't happen right away. I mean, yes. I'll  
16 just sort of cut to the chase, and yes, when I came back from  
17 Colombia, I did start working with Arturo.

18 Q And you had to come back because another drug boss, a  
19 Colombian one this time, wanted you dead?

20 A Yes.

21 Q Now, you've described Arturo Beltran Leyva as sort of  
22 your uncle and kind of like a father; right?

23 A As for Arturo, you know, I would call him tio and that  
24 was affectionately. Well, yes, our relationship became  
25 something, over time, he became like a father to me and that

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1 was because we spent so much time together.

2 Q I probably should have said this a little earlier. I  
3 don't have any problem with you adding your answer. It's just  
4 I'm going to try to ask you questions that call for generally  
5 a yes-or-no answer or if you agree.

6 Sorry. Go ahead.

7 So it will just speed it along if you can just  
8 answer yes or no, okay? Sounds good?

9 A Yes, sir.

10 Q And, so, you would meet with Mr. Beltran three to four  
11 times per week; right?

12 A Yes, but that was before that operation was carried out  
13 against me at Desierto de los Leones.

14 Q Understood. We will get to that later. But you weren't  
15 just having meetings, you were spending a lot of time with  
16 him?

17 A Yes. We would spend three or four hours together, but it  
18 wasn't like I was staying more than three or four hours.

19 Q And during that time, other cartel members would come in  
20 and out to meet with Mr. Beltran Leyva as well; right?

21 A Yes, sir.

22 Q And during that time, he was using drugs a lot; right?

23 A Arturo?

24 Q Yes.

25 A No.

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1 Q So he wasn't high all the time?

2 A No. Arturo had -- well, for a long time, I mean, he did  
3 use drugs but not so -- it wasn't like Mayo who every two  
4 minutes was snorting a line of cocaine.

5 Q And a lot of your meetings would be in Morelos; right?

6 A Yes. My meetings with Arturo would be in Mexico City,  
7 Morelos, Cuernavaca, Acapulco, Taxco, Guerrero, and Puebla.

8 MR. DE CASTRO: Just one second, Judge.

9 (Pause.)

10 Q Now, I just want to -- I'm sorry for that wait. I see  
11 the hour, I'm just trying to pick a spot here, okay?

12 A No worries, no worries.

13 Q Thanks.

14 On direct examination you talked a little bit about  
15 how you had spent your drug dealing profits. Do you remember  
16 that?

17 A Yes, sir.

18 Q And you made a lot of money with the Beltran Leyvas;  
19 right?

20 A A lot, a lot.

21 Q You made a lot of money before you worked with them too;  
22 right?

23 A But not as much.

24 Q And after your arrest, a lot of your property, I think  
25 you testified, was seized or stolen; right?

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1 A Well, the house at the Desierto de los Leones, that was  
2 seized. But other houses I had, the Feds, the one that they  
3 made me show them on the screen with Google, those were  
4 rented, but they went and looted everything that was in there.

5 Actually, this is something I've never said before  
6 and it's about the Desierto de los Leones house. I haven't  
7 even told the Government, the prosecutors about this, and that  
8 is at that house, Bayardo, right when they had family members  
9 and workers in custody there, they beat them, tortured them,  
10 kept them for two days, Bayardo said to my father are you the  
11 father of that son of a bitch Cornejo.

12 MR. DE CASTRO: Judge, can I interrupt? Can I try  
13 to ask you to answer the question that I am asking?

14 THE COURT: Yes. It is very important, sir, that  
15 when you are asked a question that calls for a yes-or-no  
16 answer, you only answer yes or no if you can.

17 If you can't, then you just say I can't answer yes  
18 or no.

19 THE WITNESS: Okay, Your Honor.

20 MR. DE CASTRO: I just have a few questions before  
21 we are going to take a break. It shouldn't be too  
22 controversial here.

23 Q You have lots of money to spend because you made a lot of  
24 money drug dealing; right?

25 THE INTERPRETER: Counsel, can you repeat the

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1 question for the interpreter because the first verb was not  
2 clear.

3 MR. DE CASTRO: No problem.

4 Q You had lots of money to spend because you made a lot of  
5 money in the drug business?

6 A Yes.

7 Q Some of that money you laundered through fake businesses?

8 THE COURT: You have to say right.

9 Q Correct?

10 MR. DE CASTRO: Thanks, Judge.

11 Q Some of that money you laundered through fake businesses;  
12 right?

13 A Companies? I never had any companies.

14 Q You never laundered any of your drug proceeds through  
15 fake businesses, whether they're yours or other people's.

16 A No, I never had any businesses.

17 Q Okay. You bought lots of properties; right?

18 A Oh, yes, I bought property, houses, apartments, cars. I  
19 said that.

20 Q You had an extensive luxury watch collection; right?

21 A That is correct.

22 Q Some of which you had brought to the United States;  
23 right?

24 A That's correct.

25 Q Some you sold; right?



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1 A That's correct.

2 Q How many watches would you say was in your watch  
3 collection?

4 A Over 100.

5 Q How much would you say in total they were worth?

6 A \$3, \$4 million.

7 Q You bought show horses with your money; right?

8 A Yes, I had a lot of horses.

9 Q Now, to get a sense for your profit, you had said on  
10 direct examination that you made around three to four million  
11 for every 10 tons of cocaine; correct?

12 A Approximately.

13 Q Approximately.

14 THE COURT: Mr. de Castro.

15 MR. DE CASTRO: It's only a few questions and then  
16 I'm done if that's okay.

17 THE COURT: Go ahead.

18 Q And you were being held responsible for 1,000 kilos,  
19 which is -- I'm sorry, 1 million kilos, which is 1,000 tons,  
20 right?

21 A That's correct.

22 Q And, so, for every 10 tons, you made 3 to 4 million,  
23 approximately?

24 A That's correct.

25 Q And there's 100 tons that you would be responsible for,

Poveda-Ortega - cross - de Castro

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1 which would be around \$300 to \$400 million in profit; correct?

2 A Yes.

3 Q And you've been --

4 A That's correct.

5 Q And your plea agreement requires you to pay \$1 million --  
6 withdrawn.

7 And your plea agreement only requires you to pay \$1  
8 million in forfeiture?

9 A Yes. That was what my lawyer was able to do with the  
10 U.S. Government.

11 Q And, so --

12 THE COURT: Are we at the one more question?

13 MR. DE CASTRO: I'm sorry, Judge?

14 THE COURT: Are we at the one more question?

15 MR. DE CASTRO: We are at a good spot for the day.

16 THE COURT: You're not passing the witness?

17 MR. DE CASTRO: What's that?

18 THE COURT: You're not finished?

19 MR. DE CASTRO: No, I'm not finished.

20 THE COURT: Ladies and gentlemen of the jury, we  
21 will send you home.

22 Please remember the restrictions that you're  
23 operating under about the internet, about communicating about  
24 the case, about looking at the media.

25 Have a restful night. Thank you again for your hard

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1 work.

2 (Jury exits the courtroom.)

3 THE COURT: We are in recess until 9:30 tomorrow  
4 morning. See you then.

5 MR. DE CASTRO: Thank you, Judge.

6 (Matter adjourned to February 2, 2023 at 9:30 a.m.)

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I N D E X

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